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COMMISSION OF INQUIRY INTO THE USE OF DRUGS AND BANNED PRACTICES INTENDED TO INCREASE ATHLETIC PERFORMANCE

B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON THURSDAY, AUGUST 24, 1989

VOLUME 77

NETWORK COURT REPORTING LTD.

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C O U N S E L:

R. ARMSTRONG, Q.C. Ms. K. CHOWN	on behalf of the Commission
R. BOURQUE	on behalf of the Canadian Track and Field Association
J. DePENCIER	on behalf of the Government of Canada
R. McCREATH	on behalf of the Canadian Olympic Association
A. PRATT	on behalf of Charles Francis
J. FREEDMAN	on behalf of Wilf Wedmann
P. FOURNIER	on behalf of Jean-Guy Ouellette
P. KANE	on behalf of Steve Findlay


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--- Upon resuming.

THE COMMISSIONER: I regret the delay. I was tied with matters which had to be attended to. Mr. Armstrong?

MR. ARMSTRONG: Thank you, Mr. Commissioner. Our next witness is Mr. Chris Kelly.

CHRISTOPHER LEE KELLY: Sworn

--- EXAMINATION BY MR. ARMSTRONG:

Q. Mr. Kelly, you are a graduate of Carleton University in 1984 with a Bachelor of Commerce degree?

A. That's correct.

Q. On January the 2nd, 1985, you became employed by the Canadian Track and Field Association as its financial coordinator?

A. That's correct.

Q. In July of 1985, you were promoted to the position of controller?

A. That's correct.

Q. And you are employed in that position today?

A. Yes, I am.

Q. I understand that in that position, you are in charge of the budgeting process and among other

things attend meetings with coaches, directors, and others dealing with the financial side of the various programs of the Canadian Track and Field Association?

A. Yes, I do.

Q. Now we are calling you as a witness today to deal particularly with an individual by the name of Peter Dajia. Have you ever met Peter Dajia?

A. No, I have not.

Q. Do you know Peter Dajia?

A. I know of him and I've seen pictures of him.

Q. When did you first see photographs of Peter Dajia?

A. It was post the Commonwealth Game Trials in 1986 where he tested positive for steroids.

Q. You refer to that as the Commonwealth Game Trials. Those were also the Nationals in Ottawa in 1986?

A. That's right, yes.

Q. And post the National Finals/ Commonwealth Game Trials in Ottawa, 1986, when he tested positively for steroids, his picture appeared in the press?

A. It may have, but I don't remember exactly if it appeared in the press, but I remember seeing

pictures and clippings and whatnot of him.

Q. All right. Then subsequent to that, have you ever actually seen Mr. Dajia?

A. I have seen him, yes.

Q. When was that?

A. I saw him compete in the shot put at the '88 Nationals in Ottawa.

Q. Now did you become aware at about the time of the Nationals in Ottawa in 1988 that there was some issue about the status of Mr. Dajia to compete on the international level and as part of Canada's national team?

A. Yes, I did, both him and Mr. Gray and any other athletes, basically, who had tested positive for steroids. There was some concern over whether or not they would be eligible to compete because of the fact that our funding may be affected from Sport Canada if they competed on an eligible team.

THE COMMISSIONER: Would they be eligible to compete nationally?

THE WITNESS: That's correct.

MR. ARMSTRONG:

Q. Then you obviously attended the National Championships in Ottawa in 1988?

A. Yes, I did.

Q. On the Thursday evening at the time of registration, did you happen to meet Mr. Gray?

A. Yes, I did. I was at the coaches' meeting, the scratch meeting on the Thursday evening, and the registration booth was in a room just down the hall, and I went down there to see the people I knew in there, and it was while I was in there that Mr. Gray came in to register for the meet.

Q. Did you have some kind of conversation with him at that time?

A. Yes, I did. He came up to me holding a letter which had been written to him and, as I later found out from him, to Mr. Dajia and Mr. Spiritoso from Paul Dupre which stated his concerns over their eligibility to compete internationally and because of the funding issue from Sport Canada.

Q. Did he indicate that he wanted a meeting arranged to discuss it, or what transpired?

A. Yeah. We had, well, I guess about a fifteen-minute conversation. He was concerned about the letter. He wanted to talk to someone about it. I guess I was one of the first persons he saw when he arrived in Ottawa, so he came with me, asking me questions. I suggested to him that the best thing to do would be to talk to Paul. I don't know if he had ever met Paul, since

he had just started about a week or two prior, and I suggested that he meet with him and discuss the issue because he was greatly concerned over what the letter said based on his arguments he had made a couple of years previous after the Commonwealth Games Trials and the ensuing legal things he had done through the Supreme Court and whatnot. He didn't think they were in line. So I suggested to him I wasn't an expert, that he should talk to Paul, that he was ultimate authority on it.

Q. Obviously you mean Paul Dupre?

A. That's right.

Q. The president then of the organization?

A. That's correct.

Q. Then did you become aware that some arrangement was made or arrangements were to be made to have a meeting with Mr. Dupre?

A. I hadn't seen Rob again until -- well, about the issue, I guess -- until the Sunday when I met up with Casey Wade, and he told me that the meeting was about to take place.

Q. All right. Did you have some occasion to be actually aware of who was at the meeting and of its having taken place?

A. That's right, I was aware of it. I was on the perimeter of the track in the infield with the

vice-chairman of the board of directors, Brian Langley, walking along on -- it was the Sunday afternoon. It was fairly quiet, I guess, because the schedule wasn't very busy in the afternoon on Sunday. It didn't really get going until later on. It was then that we walked up and met Casey, and Casey pointed out that they were getting together, and I turned and looked and I saw Paul and Jean-Guy Ouellette and Bruce Savage and Rob Gray coming together and looking for a place to sit down.

Q. All right. What else did you observe?

A. We were directly in front of the -- Brian Langley and I were directly in front of the media administration trailers, and those guys walked by in front of us, and they pulled down one of the picnic tables from against the fence, moved it over to the corner about 40 or 50 feet away from us, and the four of them sat down and Casey Wade, Brian Langley and I decided to stand there and watch to see what happened.

Q. All right. Did you have some particular interest in this beyond the fact that Gray had spoken to you about the fact that he wanted to talk to somebody?

A. Well, my interest in the matter was obviously, number one, the funding issue from Sport Canada. I wanted to see what the result of the meeting

would be, to see if it would affect our -- if anything would happen in the future. But as well, I guess I was somewhat concerned and/or upset that Casey was not involved in the meeting, mainly because he was the one that ran the program day to day. He had been --

Q. When you say "the program", you mean the doping --

A. The doping program, the day to day -- he had been employed with us since virtually in around the same time as the three throwers in question were suspended.

The people who Rob was sitting down with were two volunteers and a new day-to-day man that had been there a week, and I wasn't totally convinced they were going to get all the facts. I felt -- unfortunately in this sport now and then, you have a lot of volunteers which you absolutely need, but the day-to-day person needs to be there as well, and I was concerned, and I noticed particularly who was there because of the fact that Casey was not in the meeting.

Q. All right. Then you say that you and Langley and Wade kind of stood there about 45 feet away observing the group as it gathered around this picnic table, and what transpired as you stood there?

A. Well there wasn't much going on in the

infield because, like the said, the afternoon was fairly quiet. We were just standing talking, waiting for the meeting to end, and sometime during -- it was a fairly lengthy meeting; I'd say half an hour, 45 minutes. Over halfway into it, Bruce Savage stood up and called Casey over, and Casey went over to the picnic table and stood there, and Brian and I remained where we were beside the track waiting until the meeting ended.

Q. All right. I take it that you weren't in a position to hear anything that took place --

A. No.

Q. -- because you were so far away? During the course of the period of time that you observed the group, did you see Peter Dajia there?

A. No, I did not.

MR. ARMSTRONG: Those are all the questions I have. Thank you, Mr. Commissioner.

THE COMMISSIONER: Thank you. Any questions Mr. Bourque?

MR. BOURQUE: Very briefly.

---EXAMINATION BY MR. BOURQUE:

Q. Mr. Kelly, just to be certain, you saw this group come together, to have its meeting, at the outset?

A. Yes, I did.

Q. You saw the group break up at the end of the meeting.

A. Yes, I did.

Q. You were there for the entire time to observe the meeting?

A. Yes, I was.

Q. Did you at any time see Peter Dajia at the picnic table?

A. No, not at the picnic table.

Q. Or in the vicinity of the picnic table?

A. No, I don't remember seeing him in the vicinity either.

Q. You say that Brian Langley was standing off to the side of the track with you?

A. Yes.

Q. Was he there throughout the meeting with you?

A. Yes, he was.

Q. Can you inform us of his whereabouts today?

A. I understand he's out of the country with one of the teams acting as a Chef de Mission for the team at the FISU Games in Germany.

Q. In Germany?

A. Yes.

MR. BOURQUE: He will not be testifying for that reason, Mr. Commissioner. Thank you.

THE COMMISSIONER: Thank you very much, Mr. Kelly.

MR. ARMSTRONG: Then the next witness is Mr. Steven Findlay.

THE COMMISSIONER: Mr. Findlay has already been sworn, Mr. Armstrong?

MR. ARMSTRONG: Yes, he has. Mr. Kane, his counsel, is present.

THE COMMISSIONER: Good morning, Mr. Kane.

MR. ARMSTRONG: Thank you, Mr. Commissioner.

STEVEN FINDLAY: Recalled

--- EXAMINATION BY MR. ARMSTRONG:

Q. Mr. Findlay, just so that we put you back in context since it's a couple of months since we've seen you, to recap, you have been for a period of time the athletes' services representative of the Canadian Track and Field Association?

A. Athletes' services coordinator, yes.

Q. In that position, I think you've already told us that among your many duties you're

involved in administering the athletes' reserve fund; you are involved in dealing directly with athletes in respect of competitions and other matters that affect their athletic careers?

A. Yes.

Q. I wanted to take you --

THE COMMISSIONER: I think we now have all the documentation relating to the athletes' reserve fund, haven't we?

MR. ARMSTRONG: Yes, we have. The Canadian Track and Field Association, through Mr. Bourque, has supplied us with the documentation we've asked for in connection with that fund, and that information will be available, obviously is already available to you, sir, and indeed I think you've seen some of it.

THE COMMISSIONER: Right.

MR. ARMSTRONG:

Q. Mr. Findlay, I wanted to ask you some questions in general, first of all over the decade of the 80s, about observations that you may have made or information which you may have received about the use of performance-enhancing substances, and I think again in order to do this I better just refresh not only my recollection but perhaps others.

You were at the University of Toronto and as an administrator at the University of Toronto Track Club for what period of time?

A. January 1, '85, to December '86.

Q. All right. Then from '86 on, you were in Ottawa?

A. December 1, '86.

Q. In your present position?

A. `M'hmm.

Q. Prior to your involvement in the University of Toronto Track Club, were you involved in the sport?

A. Yes. I was an active middle-distance runner.

Q. All right. Then during --

THE COMMISSIONER: And you're a graduate of the University of Toronto; is that right?

THE WITNESS: Yes.

MR. ARMSTRONG:

Q. During the 80s up to the end of 1987, did you have occasion to receive any information or make any observations about the use of performance-enhancing drugs in the sport of track and field?

A. Up to '87, I had just, I guess, become

increasingly exposed to the rumors that were floating around about athletes at the international level and I guess increasingly on the domestic level. Prior to my involvement at the U. of T., I had been a middle-distance runner, and the use of steroids aren't very prevalent there. The common banned substance at use there is blood doping, and again, there is just general rumors about that.

During my time at U. of T., U. of T. has a very strong anti-doping stance, and I was isolated in my activities there to the extent that I was working with U. of T. athletes, and certainly banned substances wasn't a common issue at all.

When I got to working at the national office of the CTFA in Ottawa in my position there and dealing with many of the elite level athletes, I became more exposed to the rumors that were floating around.

Q. I take it the rumors would be the same kinds of rumors we have heard testified to here, that is, that the use of performance-enhancing drugs, in particular steroids, were predominant in the throwing events?

A. That's correct, yes.

Q. And also presumably you would have been party to the rumors that a number of elite sprinters were using steroids?

A. Yes.

Q. In particular you would have been privy to the rumors about steroid use at the Scarboro Optimist Track Club?

A. Yes.

Q. At York University?

A. M'hmm.

Q. Then I want to take you to January of 1988, and did you attend a track meet, indoor, at the Ottawa Civic Centre in January of 1988?

A. Yes, I did.

Q. When you were at that track meet in Ottawa, did you make any particular observation about the appearance of any athlete or any athletes at that meet that gave you pause for further consideration on this issue?

A. Yes. The leading athletes and the elite athletes in the Mazda Optimist Track Club appeared to have grown significantly, and there were, amidst the people attending that meet, I mean in the track fraternity, there were many observations to this extent, and I was a bit -- I guess I was a bit shocked and wouldn't believe it. I mean, the rumors and the suspicions were that all these athletes were using banned substances, whereas there had been suspicions for maybe,

you know, a number of years before, that several athletes were using the banned substances.

Now the suspicions were that several more had become involved in the program, and having known some of these individuals and having worked with them as closely as I do in my time at the CTFA, I was quite disturbed to think that they were using, and in fact I refused to believe it at that time.

Q. Yes. When you attended the Ottawa track meet and made the observation that some of the Scarboro Optimist group had appeared to grow significantly, who do you have in mind there?

A. I guess Mark McKoy was the outstanding example.

Q. Yes.

A. Certainly Ben Johnson and Angella Issajenko were quite large.

Q. From what you said a moment ago, do I take it that up to that time, you had kind of, although you had heard the rumors and been party to some of the discussions and speculations, up to that time, you really refused to accept it or believe it yourself?

A. I guess the way to put that was that there had never, in my experience and exposure to this whole subject, there had never been evidence to lead me to say with confidence or suspect with confidence, but now I mean I had been there I guess 13 or 14 months at that time exposed to this environment, and at that time I was really getting some indications and having to face them.

Q. All right. And so let me put it to you this way then as of sort -- as of that night in Ottawa which would have been I suspect the 21st of January, 1988, you really started to become, if not completely converted, started to become converted to the idea that it was obvious that there was a group of sprinters on steroids, and that it was an issue that had to be faced up to. Is that fair?

A. Yes, I hadn't reached that stage yet that it was an issue that had to be faced up. I mean, my mind had been open that there might be something serious here.

Q. All right. Now the following week, the 28th of January, was the Toronto Sun Games in at Maple Leaf Gardens, and did you come to Toronto for those games?

A. Yes, I did.

Q. And on the Saturday morning following those games or sometime during that Saturday you had

occasion to go over to the indoor track at the University of Toronto Track Club, I understand?

A. Yes.

Q. When you were there, did you have occasion first of all to speak to Mr. Andy Higgens, the coach of the University of Toronto Track Club?

A. Yes, I did.

Q. Would you tell us about that conversation, please?

A. There was a fair bit of conversation among Andy and several other coaches at U. of T. about a certain remark that had been made by either Charlie or Angella the previous evening about Angella's successes that evening being due to Jamie Astaphan's arrival in Toronto and his prescription of steak tartar to improve her performance for some reason.

And that was being discounted fairly aggressively by the coaches at U. of T. and quickly led into a discussion on the use of banned substances.

Andy Higgens was particularly disturbed by his fear that all athletes were being labeled with this same suspicion about the use of banned substances. And he was particularly concerned that his program at U. of T. was being cast under the same cloud of suspicion.

He and I talked for 10 or 15 minutes about

possible ways and programs for the U. of T. High Performance Program to disassociate itself from these general suspicions. And we talked about the introduction of several programs. For example, for U. of T. to administer its own out-of-competition testing program and publish this in various ways so that U. of T. could advertise to the community that it was taking this aggressive stance.

Q. All right. At this time was there any concern either on the part of U. of T. or others that the University of Toronto Track Club was loosing one or more of its athletes to the York group?

A. Yes. There was one athlete in particular who had been embraced by the club and --

Q. Embraced by the U. of T. club?

A. Yes, by the University of Toronto Track Club High Performance Center, had been catered to, had been granted all sorts of program privileges from massage to national team opportunities, had that previous fall left the U. of T. program to join the Mazda Optimist Track Club.

And that athlete continued to work at U. of T. on a part-time basis. The athlete was still a student of U. of T. and it was particularly upsetting to all the coaches at the U. of T. Center because they suspected very

strongly that this athlete had left their program for the Optimist programs mainly and primarily for the use of the banned substance program.

And they saw her on a regular basis, and they claimed they could see her growing before their eyes on a weekly basis.

Q. What athlete was that?

A. That was Tracy Smith.

Q. Then have we got your full account of your discussion that day then with Andy Higgens?

A. Yes.

Q. Was there any resolution of the discussion between you and Higgens in the sense that while Andy thanked you for expressing this view, "we have discussed some possibilities to address your concerns, I will be back to you, or I will take it up with the Board"; what was the end result of your conversation with him?

A. The plan that we came up with that we discussed was that of U. of T., the U. of T. Center introducing its own out-of-competition testing program so that they could test one of their athletes once a month or something and then my commitment to Andy was to look into the actual cost of that testing because that was, to the extent of my knowledge, that was the limiting factor at that point.

I mean obviously it is a very complex issue. I explained to Andy as much as I knew about the CTFA out-of-competition testing program and the status of it and obviously it would have to be coordinated. And I really wasn't aware of the potential conflicts in that, but I did promise to get the costs of the test so that he could play with that and take his planning course --

THE COMMISSIONER: Of course at this time you didn't have random testing yourself in operation?

THE WITNESS: We didn't have out-of-competition testing, no.

THE COMMISSIONER: You are talking about out-of-competition for testing for the U. of T. or competition testing? You are talking about out-of-competition testing?

THE WITNESS: That's what I am talking about, yes.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

Q. All right. Then, Mr. Findlay, while you were at the University of Toronto track club that day did you also have occasion to speak to Dave Steen and his wife Andrea?

A. Yes, I did.

Q. Would you relate the conversation that you had with them at that time.

A. Yes. Steen, or David, I forget how it really developed, but however we ended up going to a corner of the Field House to get some privacy and David was very, very upset. And he recounted the incident of the previous evening at the Toronto Sun Indoor Games. He had met or he had run into Jamie Astaphan, I guess in the lobby, at the beginning of the meet. And he had been familiar with Jamie Astaphan, he was a friend of Astaphan's, he had -- we know that he had spent the three or four weeks visiting Astaphan in November - December of the previous year.

And Astaphan or I guess he was on such terms of friendship that Astaphan very quickly launched into a tirade against Charlie Francis for messing up Angella and he had had to fly up to Toronto that week to, in David's words I believe, "clean Angella out". She had been performing very poorly and it was because Charlie Francis had been administrating too great a dosage to Angella.

Q. Too great a dosage of what?

A. Banned substance.

Q. Yes.

A. And apparently this was developing into a source of conflict between Astaphan and Francis. And so

then during the evening, David witnessed Angella, I believe she tied a world indoor record, tied, or I think it was tied, I don't think she broke it.

And David was very, very upset because this was just startling proof of the effect that pharmacology could have in the sport. And he had always been faced in his event, in his particular event, with the use and abuse of banned substances by his competitors and to be faced with an incident like this where a doctor could come in and modify dosages, whatever, with an athlete and then see this athlete move from or progress from very poor performances - Angella did very, very poorly the previous week in Ottawa - to a world record level in one week was very, very shocking for him.

Q. All right. And you used the more formal terminology of the rule book "banned substances". I take it there was no doubt in your mind that Steen was talking about steroids?

A. That's right, yes.

Q. And did Steen during the course of this conversation mention anything about his visit to St. Kitts during December of 1987?

A. Yes, he had visited St. Kitts and that at one of his encounters with Dr. Astaphan, the doctor had given him a vial of substance and told David to "take

this, it would help him". And David told me that he took it to his hotel room and for three hours he sat and contemplated that little vial. And at the end of that time, he made his decision. And I believe the next day he returned that vial to Dr. Astaphan.

Q. And again I take it in the conversation that you had with David Steen that day at U. of T. there was no doubt that he was telling you that it was his belief that Astaphan had given him steroids?

A. That was my understanding, yes.

Q. When I say Astaphan had given him steroids, that Astaphan had given him steroids in that vial --

A. That's right.

Q. -- which he returned, said he returned, and, indeed, has given sworn evidence here that he returned it to Dr. Astaphan?

A. Yes.

Q. Correct?

A. Yes.

Q. All right. Is there anything else in your recollection of your conversation with David Steen?

A. He -- there was the -- somewhere out of there David expressed his feeling or awareness that all the athletes -- the athletes who were widely rumored and

suspected to be on the banned substance program were indeed using banned substances.

Q. Well, then, just to recap then by Saturday, January 29, 1988, in the past week, you had been to the Ottawa meet, made the observations of McKoy, Johnson, and Issajenko, and made the particular observation about the size of McKoy and began thinking that there was, if I can put it this way, more than just a little bit of substance to a lot of the rumors you had been hearing over the years, correct?

A. That's correct.

Q. Then on Saturday, the 29th of January, you have your conversation with Andy Higgens, his concern about the situation in the sport, his concern about trying to carve out a clean niche in the sport so that U. of T. would not be tainted with the steroid brush, and also his concern and other's concerns that Tracy Smith probably left the U. of T. track club to join a steroid program at York?

A. That's correct.

Q. And added to that, you had the conversation with Steen who told you that the night he had spoken with Dr. Astaphan who told him clearly that Angella Issajenko had been on a steroid program and that he had come up to adjust it or alter it in such a way that

permitted her to equal a world record the night before?

A. Yes.

Q. Then Steen related to you his belief that there were others on the program at York and related to you that his belief that Dr. Astaphan indeed the month before had offered him a vial of steroids in St. Kitts?

A. Correct.

Q. I take it the trip that Steen had taken the month before to St. Kitts that had, and I don't suggest by this that you were approving his going down there to get steroids from Dr. Astaphan, so don't misinterpret the question this way, but I take it that his trip to St. Kitts had been approved by the Canadian Track and Field Association as part of his training program and he received some subsidy to do that?

A. That's correct, yes.

Q. So, to put it bluntly, by Saturday, January the 29th, you as the Athlete Services Coordinator, a senior employee of the Canadian Track and Field Association, were clearly in possession of hard evidence that there was significant steroid use among a number of Canadian track and field athletes performing at a high level?

A. That's correct, but I wouldn't say I was a senior employee at that time.

Q. All right. What reaction did you have to receiving this information and now putting you beyond the area of rumour and squarely into the area of hard evidence?

A. I was very upset.

Q. Did you come to any immediate determination of what you were going to do with this information?

A. Well, yes, I discussed with David that I would have to discuss this with the President of the CTFA, Wilf Wedmann. There was just no question. And it had always -- I had made the commitment to myself that if anyone ever provided any information, any admissions in this regard, I would report it immediately to the CTFA and to the executive levels.

I told -- I discussed this with David and actually David was very reticent about me doing that mainly, I believe, as I understood it, David, I believe, felt that it was the athlete's, each athlete's value, choice, decision, as to the use of banned substances and he didn't want to turn in any of these athletes.

A. I guess I said that was essentially irrelevant. I had the information now, and I was going to use it to the best use of the CTFA.

Q. What then happened? At that point in time you're in Toronto. It's a Saturday. What use did you in fact make of the information?

A. I was very upset the whole weekend because I had to -- I mean this was quite a shock to me. It's one thing to know the rumors, but then it's another to be faced with the cold truth. I had to reevaluate my participation with the CTFA, my employment with the CTFA because I just -- a lot of my efforts were being devoted to this group of athletes, to this club, and so it --

Q. When you say this -- I'm sorry. When you say "to this group of athletes, to this club", you mean the Mazda or Optimist group at York?

A. The Optimists, yeah, because there had been many, many hours of contract work, commercial work and various other things.

That decision didn't take too long because I realized I was there for the sport, and the sport was much, much larger than the Optimists or any athletes in that group.

I took the day off on Monday, again, just to cope with this whole affair.

On Tuesday when I arrived in the office --

Q. Let me just stop you there. I take it you needed a little time and space and distance to think this whole thing through, having received all this information; is that correct?

A. That's correct yes.

Q. And indeed, the information just affected you so much and upset you so much, you took Monday off work?

A. M'hmm.

Q. So Tuesday?

A. I was in work Tuesday. My objective was to talk with Wilf Wedmann, the president and CEO of the CTFA. Wilf was not in the office that week. He was not in the office at the beginning of the week. He was out of the office at some planning meetings, I believe, and so I asked his secretary to please have Wilf contact me. I had a very urgent concern.

On that Tuesday, I mean I was still fairly engrossed with this whole subject. I did relate it to Denis Landry, who is the manager of coaching development because -- and quite simply, I had to talk with someone at the CTFA about it, and Denis was an appropriate person because of one of my concerns was the effect that this whole affair was having on the coaching profession.

So I related the incident to Denis Landry, and I also related it in a much less formal way over lunch to Casey Wade, who was acting manager of the competition department, domestic program.

Q. What first of all was the reaction of Denis Landry to the information?

A. Denis made the statement that there had been lots of rumors but that this was the first time there had been any tangible -- I can't remember the words --

Q. The tangible evidence?

A. I don't know if he said that, because evidence in this affair is a positive test, essentially, but he did make the remark that this is the first time there is something concrete.

Q. What did he think should be done with the information?

A. I don't recall. My intent was to speak with Wilf, to discuss the whole affair, and I can't remember if Denis made any recommendations at all.

Q. Then you said you discussed it in a less formal way over lunch with Casey Wade, who was the doping coordinator. What was his reaction to the information you gave him?

A. I can't remember his specific reaction. I suspect it just confirmed many things in his mind that

we'd all been suspecting.

Q. All right. You had left the message with Mr. Wedmann's secretary that he should contact you on an urgent basis. Did he call in and did that happen?

A. I believe he phoned the next day.

Q. Yes.

A. And I related the incident to Wilf, and --

Q. When you say "the incident", we're talking about --

A. Well, Steen's evidence.

Q. -- perhaps two or three things here, but specifically the Steen --

A. Yes.

Q. -- information?

A. Yes.

Q. Yes?

A. And Wilf's response was --

THE COMMISSIONER: I'm sorry, was this on the phone?

THE WITNESS: That was on the telephone, on the Wednesday, I believe.

Wilf's response, as I remember, was that there was no evidence with which the CTFA could proceed, that this didn't constitute evidence.

Q. Yet you told him what Steen had told you?

A. Yes.

Q. The conversation with Astaphan?

A. M'hmm.

Q. The effort by Astaphan to provide him with steroids --

A. Yes.

Q. -- in December, and Steen's belief about the use of steroids generally?

A. Yes.

Q. All right. How was it left in the conversation, then, with Wedmann?

THE COMMISSIONER: Well, again, you told them all of your conversation with Steen that night, about the Astaphan episode and Issajenko?

THE WITNESS: Yes --

THE COMMISSIONER: Not just this --

THE WITNESS: -- as I recall.

MR. ARMSTRONG:

Q. All right. Then you've told us what Wedmann's response was, that that wasn't evidence. Was that the end of the matter, or was there to be a further discussion?

A. I can't remember how that discussion ended up. We did have a meeting, an informal meeting the next day, so maybe Wilf did indicate that he would be in the office and we would talk about it then.

Q. So the next day would have been the Thursday?

A. That's correct.

Q. Who attended the meeting on Thursday in his office?

A. Wilf dropped into my office.

Q. Yes.

A. And we discussed this. He was on his way out to lunch, and we talked for about 20 to 30 minutes, I would expect, and essentially I laid out everything that had transpired in Toronto and what Steen reported to me, and Wilf again argued that it didn't constitute anything with which the CTFA could proceed.

MR. ARMSTRONG: Could I just have your indulgence?

THE COMMISSIONER: Okay.

MR. ARMSTRONG:

Q. All right, then --

THE COMMISSIONER: Who was present when you spoke to Mr. Wedmann? Just yourself and --

THE WITNESS: Just Wilf and myself.

THE COMMISSIONER: And did you follow it up with Mr. Landry or Mr. Wade?

THE WITNESS: No, I didn't.

THE COMMISSIONER: I'm sorry I interrupted you. Go ahead. You're on Thursday, now?

MR. ARMSTRONG:

Q. On a Thursday, Wedmann, before lunch, dropped into your office, and you said you went over the Toronto scene again. I take it that you went over with him again face to face the information that had been provided to you by Dave Steen?

A. That's correct.

Q. And the same information that you've testified here to under oath?

A. That's correct.

Q. Did you also discuss with him the University of Toronto situation and your discussion with Andy Higgins?

A. I don't know -- that may have -- that wasn't discussed as an issue unto itself. It may have come up when I -- to justify my concern in this affair, I made the observation that the use of banned substances by this group was wreaking havoc on the coaching profession

and distorting the athlete development programs, and in the discussion of the coaching profession, I may have discussed my discussion with Andy Higgins.

Q. Well, did you either then or at any time tell Mr. Wedmann about the concern that the University of Toronto was losing athletes to York and in particular that they believed they had lost Tracy Smith to York, specifically of the steroid program at York?

A. I did, because to me, during that meeting and subsequent conversations -- because that athlete, the case of that athlete to me symbolized the damage that was being done among the athletes.

Q. Did you tell Mr. Wedmann about your own first realizations of this subject, apart from rumors, that is that 10 days before at the Ottawa track meet you had made your own startling observations about McKoy and others?

A. I can't remember. I wouldn't be surprised if that did come up because it was a common topic of conversation.

Q. All right, then, do I understand it that in the telephone call the day before, on the Wednesday, and in your office on the Thursday, that Mr. Wedmann's flat-footed, simple response to the information you provided to him was that just doesn't constitute

evidence?

A. That's correct because we did -- I guess the first portion of our conversation was about my relating the incidents as described by David Steen, and then the remainder of the conversation was based on whether it was evidence and what to do with that evidence.

Q. Did you make any proposal of what should be done with the evidence?

A. Yes. I felt that at the very least, outside of the testing of the athletes, that we should address that situation. I was aware that the anti-doping solutions committee was working with great intent on introducing the out-of-competition testing program, and I had full confidence in that committee and what they were doing. I knew it was a very complex issue, and I knew that they were aware of all the options regarding swat teams and everything else, so I didn't make any proposals in that regard. But what I did propose to Wilf was that four of us in the CTFA office, namely Wilf, Gerard Mach, Denis Landry and myself should get together, put our heads together and face this issue and start to deal with this issue because of my concerns for the damaging effects on the coaching profession and on the younger athletes.

Q. Sorry, and just give me that group again? The group would be --

A. The four would be Wilf, Denis Landry, Gerard Mach and myself.

Q. All right. And the group -- obviously your suggestion was that you'd put the most senior officer of the organization on a full-time basis, Mr. Wedmann, as part of the group, Mr. Landry who was responsible for the coaches of the Canadian Track and Field Association, Mr. Mach who was the head coach and the head of the high-performance center, and you, who had regular if not day-to-day contact with the athletes themselves?

A. That's correct.

Q. And you thought that was an appropriate group to get together, discuss the problem, address it, and attempt to arrive at some method of dealing with it; is that it?

A. Of addressing the situation yes. I mean Wilf asked me what I'd do, and my response was that I don't have any magic solutions. I don't know what I'd do, but if the four of us got together, something would come up. First we have to agree on that there is a problem. We have to decide whether to take action and decide what action to take. I mean there are some simple actions that can be taken in the form of education and in the form of recognition of various coaches.

Q. What was Wedmann's response to your

suggestion?

A. I can't remember his immediate response at that meeting, but there was no result from that meeting, to my knowledge.

Q. And I take it then from what you've just said that indeed no such group was ever formed to address the issue?

A. I was not part of any group, no.

Q. All right. When Mr. Wedmann had said to you both the day before and then that day, the Thursday, that he didn't think what you had was evidence or hard evidence, did you have any particular response to his attitude at that point in time about the issue?

A. We reached a point in the conversation where I didn't care to discuss whether something was evidence or not any more, and I just -- I accused Wilf of not contributing to the solution, and I said "I know. I know what's going on. It's evidence enough for me."

Q. What response, if any, did he make to that?

A. I don't remember.

Q. Now did you become aware that at some later time there was a meeting in Toronto involving the University of Toronto coaches at which Mr. Wedmann, Mr. Mach and Mr. Landry attended?

A. Yes.

Q. And when did you become aware of that meeting?

A. I suspect when all three travelled to that meeting, those few days that they were out of the office.

Q. All right. And did you ever get any report of the meeting?

A. A few months down the road I did hear, you know, and Gerard mentioned some of the things that had been discussed.

Q. We of course know now that you at one time had been the administrator of the University of Toronto Track Club. I assume Mr. Mach and Mr. Landry would have known that?

A. Yes.

Q. Mr. Wedmann of course must have known that?

A. Yes.

Q. And I take it from your evidence this morning, there was no suggestion that you might be part of the group that went down to the University of Toronto?

A. No.

Q. All right. Did you ever become aware of the fact that apparently there was some discussion

between Gerard Mach and Charlie Francis at York University after the meeting with the U. of T. coaches?

A. No, I don't -- I'm aware of some of the elements of that discussion, but I picked those up months after.

Q. All right. In any event, after you had this discussion with Mr. Wedmann in your office on the Thursday, did you and he ever address the particular issue again?

A. I know we talked about it subsequently because I remember the issue of Tracy Smith and how her situation symbolized so much of the destructive nature of this problem, and I know I had at least one occasion where we were discussing that in Wilf's office, but I can't remember the occasion or the purpose. I think, in looking back, the way I view it is that it raised everybody's consciousness or general level of knowledge on this whole affair. It just brought everything home a lot closer and increased the certainty in people's minds.

Q. All right. Do I take it from your evidence, then, that as far as you were concerned, nothing was done about this issue insofar as the information that you provided to Mr. Wedmann is concerned?

A. Not that I'm aware of. I mean I'm aware of the meetings that went on at Toronto and York,

but I'm --

THE COMMISSIONER: Well, I'm not sure that was the result of this information.

THE WITNESS: No.

THE COMMISSIONER: It was as a result of Bogue's information.

MR. ARMSTRONG:

Q. And there certainly -- I take it Mr. Wedmann didn't say, "Well, maybe we better get David Steen in here --

A. Nothing of the sort.

Q. -- and meet with him and get a complete and full account of what it is he's got to say?"

A. Nothing at all.

Q. Were you aware in January of 1988 of exactly who Dr. Astaphan was? I mean, did you know that he had a relationship with the Mazda group of athletes?

A. Yes, I must have been aware of that.

THE COMMISSIONER: Well, was it later on that year that you approved the contract, did you not, with Dr. Astaphan and Mr. Johnson?

THE WITNESS: Yes.

THE COMMISSIONER: For $10,000 a month?

THE WITNESS: Yes.

THE COMMISSIONER: Well, I think that would have disturbed you to no end?

THE WITNESS: It did.

THE COMMISSIONER: But you didn't think about that then either, I guess? I'm taking you out of course, because this was some months later.

THE WITNESS: Somewhat, yes.

MR. ARMSTRONG:

Q. Well, recognizing that from your vantage point you didn't appear to get any action out of Mr. Wedmann, did it ever occur to you that maybe you should approach somebody else or take some alternative course of action?

A. No, it didn't. My perspective at the time was that Wilf was the most powerful person in the organization, and that's why I wanted to talk with him immediately and directly about the information that had been reported to me, and there was really -- that was the appropriate channel to pursue.

In hindsight and in a year or two's hindsight, I can say maybe I should have gone to the board and made a direct proposal/report to the board. At the time, I mean, that didn't occur to me.

Q. To what extent did you --

THE COMMISSIONER: I'm sorry. You were asking about his knowledge of Dr. Astaphan when I interrupted you. Have you finished that stage?

MR. ARMSTRONG: No, I was coming right back to Dr. Astaphan.

THE COMMISSIONER: Okay.

MR. ARMSTRONG:

Q. To what extent did you become involved as the athletes' services representative in the formalizing of the relationship and the drawing up of the agreement between Dr. Astaphan and, in particular, Ben Johnson?

A. The CTFA was not involved in that agreement at all. It was submitted to the CTFA. I was aware that in a general sense, Dr. Astaphan was the medical advisor to the group of athletes coached by Charlie Francis. I assume that at that time I was aware that he had, Dr. Astaphan had had that position since '86. It's very difficult for me to tell, but I was very aware that he did hold that position, and certainly since the time I've been at the CTFA, I was aware that Dr. Astaphan attended to those athletes.

Q. We can get the -- I should have gotten it out before now, but we can get it out after the break,

but my recollection is that the agreement between Johnson and Astaphan provided for a payment to him of $10,000 a month plus travelling expenses, which at the time of the signing of the agreement were something like $4,000; is that correct?

A. If I remember correctly, there was no actual amount stipulated. Those amounts were incurred --

Q. Subsequently. Sorry, you're right. In any event --

THE COMMISSIONER: Well, the 10,000 was stipulated?

THE WITNESS: That's correct.

MR. ARMSTRONG:

Q. In any event, what was stipulated was $10,000 a month plus travelling expenses?

A. That's correct.

Q. And indeed, the $10,000 a month was paid directly out of the athletes' reserve fund of the Canadian Track and Field Association?

A. That is correct.

Q. And we have the records, but between May and September or October of 1988, something like $44,000 was paid to Dr. Astaphan?

A. Something like that. The contract was

submitted to the CTFA in July, I believe, June or July, and the payments were made retroactive to May.

Q. And you were already asked by the Commissioner, but I just want to follow it up, whether or not it was any concern to you that the CTFA was involved in the administration of this contract with Dr. Astaphan, and you've said that it was a concern to you, and obviously it must have been a concern because monies over which the CTFA had a trust responsibility were being paid to a doctor whom you knew had been responsible for administering a steroid program to the Mazda group of athletes; am I right?

A. That's correct, there was concern.

Q. Did you ever express that concern to anybody at the CTFA?

A. At the time that submission was made and approval granted, monies released, there had been a change in the presidency. Wilf Wedmann had left. Paul Dupre had assumed the position, and when I was -- when the submission was made to me by Ross Earl, I approved it and submitted that to Paul Dupre, and subsequently he approved it. I do not remember discussing with Paul the Steen incident at all, so --

THE COMMISSIONER: Excuse me. Just as a matter that when these applications are made, which I have

seen, for funds, you deal directly, I think, with the applicant? Mr. Ross Earl I think was acting --

THE WITNESS: That's correct.

THE COMMISSIONER: -- for Mr. Johnson. Then is that submitted to somebody else for final approval, or have you got the authority to do that yourself?

THE WITNESS: No. Most of the extraordinary expenses came up in Paul's tenure.

THE COMMISSIONER: I see.

THE WITNESS: And we adopted the procedure that I would pass all extraordinary expenses by him, we would discuss it and rule accordingly.

THE COMMISSIONER: Thank you.

THE WITNESS: I did not sign the cheques.

THE COMMISSIONER: I see. Thank you. But you didn't alert Mr. Dupre to the concerns that you had about Dr. Astaphan?

THE WITNESS: No.

MR. ARMSTRONG:

Q. Is there any reason for that? I understand that you must have given up on Mr. Wedmann, but now you've got --

THE COMMISSIONER: A fresh ear.

MR. ARMSTRONG:

Q. -- a fresh ear, a person who has come in from outside, not directly associated, up until that moment in time, with the Canadian Track and Field Association. Did it ever occur to you to say look, Paul or Mr. Dupre, you should know that I've got a concern with this and there is a problem with this fellow, Astaphan?

A. I don't remember that occurring to me, and I guess in hindsight my explanation would be that the incident of reporting to Wilf happened the 1st of February. This issue regarding Astaphan came up six months later in July, and I must have been working under the impression that all of this was such general knowledge now in the community that it didn't seem -- and actual reporting, didn't seem to be, or it wouldn't accomplish anything. We had an anti-doping solution committee which one member was aware of that evidence, and they were working --

THE COMMISSIONER: That was Casey Wade?

THE WITNESS: That's correct. They were working to introduce the program. Certainly all the rumors and other rumors and suspicions were around. I had attempted to do something with it within the organization, and it didn't seem -- well, that's the only way I can

explain what I did.

There were other factors involved in the decision. It just wasn't a blind affirmative to the request. We really were over a barrel at the CTFA. Firstly, we knew that Johnson -- or Astaphan had been Johnson's medical advisor for many years, and that if there were rumors about Johnson's use of banned substances, they didn't begin in January or July 1988. They would have gone on -- they'd been going on for several two or three years at least.

A. There was a fact that Johnson -- or Astaphan had been Johnson's medical adviser and he would continue to be whether the CTFA released that money or not.

There was a fact that Astaphan was, to the best of my knowledge, spending a great, an extraordinary amount of time with Johnson which extended far beyond the administration of banned substances. Since Johnson's injury problems in the spring of '88, he had become extremely close to Astaphan. Astaphan, it was my understanding, had become the most influential, instrumental person in Johnson's training, in the preparation program.

So, the dollar amount itself, $10,000.00 a month, didn't seem extraordinary for the lost time that Astaphan was incurring as indicated in the contract.

I guess the last relevant fact was that Johnson was going to use Astaphan whether we approved or not. Johnson would pay Astaphan whether we approved or not. We were over the barrel to the extent that we were attempting to have all monies worked through the Athlete Reserve Fund. And if we didn't have a good justifiable reason to refuse the release of those monies, Johnson would just resort to not depositing all his monies in the Athlete Reserve Fund, I guess.

And if we -- the last thing there was always the element that we would be liable for legal action from Johnson if we didn't have a good reason for refusing the release of those monies.

Q. You had a pretty good reason, however, Mr. Findlay, if you were to simply take the high road, as it were, and say we are not going to release funds from an Athlete Reserve Fund administered by the CTFA to pay for a doctor rendering services to athletes whom we know is including among those services anabolic steroids?

A. We had no proof of that. We had a report from David Steen. In my mind, I testified that I was convinced, but we didn't have proof.

If I wrote a letter to Johnson or Ross Earl and Astaphan and Charlie Francis and said we cannot release this money on suspicion that Dr. Astaphan is prescribing banned substances, the CTFA would be in very serious difficulty.

THE COMMISSIONER: Not if Dave Steen repeated what he told you?

THE WITNESS: I beg your pardon?

THE COMMISSIONER: Not if David Steen repeated what he told you because that was a conversation with Astaphan himself.

THE WITNESS: If David Steen --

THE COMMISSIONER: That's an admission by Dr. Astaphan. It is direct evidence with respect to Dr. Astaphan.

THE WITNESS: I am not a lawyer, I would -- it seems pretty easy for me --

THE COMMISSIONER: Well, no, I understand. I could see the problem you were having at that time and I think you have explained why you didn't make an issue of it at that time.

THE WITNESS: It seems pretty easy to me as well for Astaphan just to deny those statements to Steen.

THE COMMISSIONER: Well, I know that happens every day.

THE WITNESS: Yes.

THE COMMISSIONER: It depends whether you believe Mr. Steen or Dr. Astaphan if he were to deny it. He may not deny it.

THE WITNESS: Correct me if I am wrong, how can we make an allegation against someone and expect that someone to let it go unanswered.

THE COMMISSIONER: Well, just carry on. All I was saying is if Mr. Steen, whose credibility has not been challenged by anybody, stood firm on what he told you and said that's what Dr. Astaphan told him, than that is a direct admission by Dr. Astaphan.

But we are not going to get into the semantics of evidence, are we?

MR. ARMSTRONG: It might be a useful point, if it is agreeable to you, to take our break.

THE COMMISSIONER: We will take our morning break. Thank you.

--- Short recess.

--- Upon resuming.

THE COMMISSIONER: Mr. Findlay. Mr. Armstrong.

MR. ARMSTRONG: Yes, thank you, Mr. Commissioner.

MR. ARMSTRONG:

Q. Mr. Findlay, I wanted to take you to another subject, and that is the subject of Mr. Peter Dajia.

During the spring and early summer of 1988, did you become involved from time to time in the reinstatement of Dajia, Spiritoso, and Gray?

A. I became involved for the first time in the week before a Board meeting, a Board of Directors' meeting of the CTFA which was to be held in Sudbury, and I

believe that was April 22 - 23, somewhere around then.

The issue came to my attention somehow, and I became aware that Rob Gray, on behalf of the other two athletes Dajia and Spiritoso, had been attempting to become restated by the CTFA, if I remember correctly. And there was some confusion at that time as to the correct process for appeal, as to whether it should be the OTFA or the CTFA Board that they should appeal to.

About the time I became involved in the issue, the week prior to the CTFA meeting it was decided that, whether correct or not, the CTFA should facilitate their reinstatement. And my work at that point was to facilitate Rob Gray's representation of the three and submission of something at that Board meeting.

Q. We have been through the details of the procedure on more than one occasion with more than one witness, I am not going to go through it yet another time except I wanted to ask you whether you did have occasion after your initial involvement in April of 1988 to discuss the matter in a telephone call or telephone calls with Peter Dajia?

A. Yes. The next time I became involved was on June the 8th when I received several pieces of correspondence in the office to resume participation in this case. And I did contact either Peter or Rob Gray on

that day and for the remainder of the month I had, I believe, three conversations with Peter Dajia on the issue, and one with Rob Gray, as well as a letter sent to Rob Gray.

Q. All right. Now, during the course of the month of June, in any of the telephone calls with Dajia, was there ever a time when he, Dajia, expressed dissatisfaction with the time that the process was taking?

A. I think in all three of the conversations he did express dissatisfaction.

Q. All right. I want to read to you from his transcript as to what he said and ask you to either confirm it or comment on it or expand on it in any way you wish.

I am just going to read, Mr. Commissioner, Volume 41, page 7273.

And beginning at about the middle of page, if you would listen to these questions and answers:

"Q. And although you had sought the help of Mr. Gray, did you take matters into your own hands and make a telephone call to the Canadian Track and Field Association in the early summer of 1988?

A. Yes, I did.

Q. And tell us about that.

A. I spoke to Steve Findlay and I expressed concern as to why I had not been reinstated yet, and it was going on two years. My 18 months was up, and I was just really upset as far as how long it was taking the CTFA to act on my behalf, and I also threatened them.

Q. All right. And when you say threatened them, what did you say to them?

A. I threatened to turn in the world's fastest human being.

THE COMMISSIONER: I didn't hear that.

MR. ARMSTRONG: He said he threatened to turn into the world's fastest human being.

Q. By that I assume you mean Ben Johnson?

A. Yes, I did.

Q. When you say you threatened to turn in the world's fastest human being, what did you mean by that?

A. I was going to go to the press because I had been talking to a reporter previous to that and he knew what was up as far as Dr. Astaphan. He just needed somebody to come forward and attach his name to it, and I had nothing to lose since I wasn't going to be

reinstated, and I just wanted to hurry up matters because I wanted -- I originally planned to go to Europe to compete there.

THE COMMISSIONER: What did you tell Mr. Findlay? I'm not quite clear.

THE WITNESS: I told him that I would be speaking with a reporter.

THE COMMISSIONER: And tell him what?

THE WITNESS: I told him that I had some information about Ben and Angella and Dr. Astaphan also and I would be speaking to a reporter.

THE COMMISSIONER: I see. All right.

MR. ARMSTRONG: Q. I take it you said you would be speaking to a reporter unless you got the results that you were looking for?

A. Right. I wanted to get that test out of the way because we had to be tested first.

Q. All right. Now did Mr. Findlay make any response to that threat?

A. Yes, he was trying to calm me down saying don't take any harsh -- don't make any harsh decisions that's going to effect your life, and I said I know, but so is

this. You know, he was kind of upset, trying to calm me down."

And then it goes on. And he is asked this question:

"Q. All right. And then did you after that telephone call receive some notification from the Canadian Track and Field Association concerning your status?

A. Yes, I did. It was late in the week, and we needed to get a drug test done. That was one of the stipulations of being reinstated, and we had to pay $500 for this drug test."

I have read to you the transcript of Mr. Dajia's account of at least one of the conversations you had with him.

What is your recollection? Does it accord with Dajia's?

A. It accords with Dajia's to the extent that he did make a threat on one occasion.

THE COMMISSIONER: What was the threat as he said it was?

THE WITNESS: It was something to the extent that he had information on the world's fastest human being.

MR. ARMSTRONG:

Q. And what was your reaction to that so far as you remember?

THE COMMISSIONER: When was that now? What date are we talking about?

MR. ARMSTRONG: We are talking -- Mr. Findlay may be able to help us a little more, but on the transcript as it was put to Gray it was put to him as a telephone call in the early summer of 1988.

THE COMMISSIONER: All right.

MR. BOURQUE: With respect, Mr. Commissioner, I think Mr. Dajia was more specific than that in my cross-examination where he says at Volume 41, page 7360, line 15:

"Q. Okay. So, when was the first threat made?

A. Just prior to getting that drug test done."

THE COMMISSIONER: That would be after he received the letter of reinstatement then subject to the drug test.

MR. BOURQUE: Yes. He is more specific than that.

"Q. A matter of days before then?

A. Right.

Q. Before that phone call, which would have taken place around the very end of June or the beginning of July 1988, is that correct?

A. Right."

THE COMMISSIONER: Okay. But that would be after he had already been reinstated?

MR. BOURQUE: By the CTFA subject to the test.

THE COMMISSIONER: But was he battling over then his international right to compete internationally? I am not quite clear what -- the impression he gave me earlier of the threat was that was in relation to getting him reinstated by the CTFA.

MR. BOURQUE: No, I think the gist of his evidence, sir, if I may say so, was that the threat was in order to bring about the urine test more quickly so that they could complete the reinstatement process and compete.

THE COMMISSIONER: I see.

MR. BOURQUE: I think I have stated that fairly.

THE COMMISSIONER: Well, Mr. Findlay was part of it. He was going to threaten something unless something was done. What did he want done?

THE WITNESS: He wanted to obtain his IAAF

reinstatement.

THE COMMISSIONER: IAAF reinstatement?

THE WITNESS: IAAF reinstatement. My response, this was consistent with the tone of the previous two conversations where Peter appeared to me to not understand the process for reinstatement with the IAAF.

THE COMMISSIONER: He never was reinstated by the IAAF, as I understand it.

THE WITNESS: Yes he was.

THE COMMISSIONER: Was he?

MR. ARMSTRONG: Yes, he was. It was the Sport Canada lifetime ban that interfered with his ability to complete internationally.

THE COMMISSIONER: Right, thank you.

THE WITNESS: So, on the previous two occasions that I had talked to him --

THE COMMISSIONER: That was never changed, as I understand it.

MR. ARMSTRONG: That's right. That was never changed but you recall he indeed in 1988 --

THE COMMISSIONER: He was never allowed to compete internationally.

MR. ARMSTRONG: Yes.

THE WITNESS: That's correct.

MR. ARMSTRONG: Indeed, in 1988 he competed in the nationals in Ottawa.

THE COMMISSIONER: I knew that, that's where he came first.

MR. ARMSTRONG: Yes.

THE COMMISSIONER: Go ahead, I think, Mr. Armstrong was asking about the conversation you had three with him?

THE WITNESS: Yes.

THE COMMISSIONER: He mentioned the threat unless he got his IAAF reinstatement.

THE WITNESS: Yes.

THE COMMISSIONER: And that threat was the first, second, or third conversation or in all of them?

THE WITNESS: That was the third conversation.

THE COMMISSIONER: Go ahead, Mr. Armstrong.

MR. ARMSTRONG:

Q. All right. And sorry, I think we both interrupted you because you were, I think, going to expand on what you said your response --

THE COMMISSIONER: He didn't understand the process.

MR. ARMSTRONG:

Q. -- to him, yes, you said the tone of the conversation was the same as other conversations and he didn't appear to understand the process?

A. That's right. And on each of the two previous occasions I had taken considerable time to explain the process. And I explained what we had done in this affair to obtain his reinstatement and gave him an update and elaborated on the process.

And so on this particular occasion, he, I believe he -- he phoned up and asked what the status was of his reinstatement. I gave him the status quo, which we can get to shortly, and then he made his blustery threat.

I don't think I was very upset at all, as I remember. I immediately discerned two issues that I expressed to him.

The first issue was that any threat or the substance of this threat would have absolutely nothing to do with his reinstatement by the IAAF.

On April the 22nd, I believe this evidence has been submitted I believe by the CTFA, CTFA faxed the IAAF requesting the reinstatement of Dajia, Gray, Spiritoso. On the 8th of June when I was involved again in this affair, another fax was sent off asking him to expedite the ruling. The IAAF responded. Again on the

19th, I believe, another fax was sent off.

THE COMMISSIONER: Is this before the threat was made?

THE WITNESS: Yes. And again on the 29th, I believe, a third fax was sent off by me making it the fourth issued by the CTFA. And following each of these faxes, the IAAF responded as to their how they were dealing with it and status quo of the situation.

THE COMMISSIONER: Well, the impression he was leaving was as a result of these threats that he was reinstated by the IAAF.

THE WITNESS: Well, I mean, I guess I am going to dispute that.

THE COMMISSIONER: Pardon?

THE WITNESS: I will dispute that.

THE COMMISSIONER: All right.

THE WITNESS: Because his threat had absolutely nothing to do with his reinstatement. The reinstatement was out of our hands. We were applying to the IAAF who -- the decision to reinstate an athlete --

THE COMMISSIONER: You had already taken all the measures you could; is that what you are saying?

THE WITNESS: That's correct.

THE COMMISSIONER: Before the threat was made?

THE WITNESS: Yes.

THE COMMISSIONER: Is that what you are saying?

THE WITNESS: Yes. So, that was my first point to explain to him, to update him on our submissions to the IAAF, and the response of the IAAF to our submissions, by which time there had been three submissions to the IAAF.

That information had also been faxed to Rob Gray in the letter of June the 2nd with the understanding that Gray would inform Dajia of the status.

So, that was my first point that, "Peter, the CTFA has pursued this to its fullest extent, and it is out of our hands now."

The second issue that I discussed with him and pointed out to him was I asked him to consider the effect that such reporting to the press would have for our sport because at that time in the summer, the end of -- well, it would be in July, I suspect from Peter's testimony when that conversation took place, the papers were having a field day with the CTFA and with the notoriety of Ben Johnson. They were picking up anything that Benjamin did and then turning it in to front page headlines.

I was aware -- we were aware that the press

had -- the press were investigating the rumors of Ben Johnson's use of banned substances. There were a lot of rumours floating around, and at no time did Peter give me any indication that the information he had was any different than what I had been hearing for the last six months.

THE COMMISSIONER: Did you ask him what it was?

THE WITNESS: No.

THE COMMISSIONER: Did you ask him what it was?

THE WITNESS: No, I didn't. Again this was as I just described the rumours were flying around, they were so persuasive. As I said, we had heard the newspapers had investigators flying down to St. Kitts to investigate -- that everyone -- there was a lot of investigation going on. And I just pointed out to Peter, look, there are a lot of rumours out there and you will just add to them, and is that going to benefit the sport. And I left the decision to him. I asked him to consider that.

MR. ARMSTRONG:

Q. Then, Mr. Findlay, Mr. Dajia testified that he had a second telephone call in which he made a

threat. And I just want to put that evidence to you so that we have it fully out on the record and your full response to it.

Reading from the same Volume 41, page 7280:

"Q. And again, although I take it Mr. Gray was your representative, did you have occasion again to make a phone call to the CTFA office to see if you could speed up the process of your reinstatement?

A. Yes, I did, on several occasions.

Q. Okay. And then tell us about that, please.

A. Well, Steve Findlay told me that it's out of their hands now. They faxed the IAAF, and they are supposed to take care of it from here, and in the meantime, I was training and I still did not know whether I would be at the Olympic trials. I was getting real worried because it was cutting it a bit close, so in another telephone conversation, I called them up and voiced my displeasure again and told them, you know, you guys don't realize what I have on you. Well, not you in particular, [meaning not you in particular] but on track and field.

And also I guess the same sort of thing. I threatened them again.

Q. Yes, and what did he say?

A. The same thing more or less. You know, calm down, you don't need to do this, think of your sport and stuff like that."

Now, was there a second telephone call in which a threat was made as described by Dajia in his evidence so far as you recollect?

A. I don't remember a second phone conversation after the first one. I did mention the fact that Dajia had threatened to do this to Wilf Wedmann and to Casey Wade and the response from both of them or one of them was that the CTFA's policy wasn't going to be blackmailed by Peter Dajia.

MR. ARMSTRONG: Could I have your indulgence for a minute.

THE COMMISSIONER: Yes.

MR. ARMSTRONG:

Q. In any event, then, as I understand it, what you have told us is that the process was moving forward, that you and perhaps were there others dealing with it or was it your responsibility?

A. Casey Wade was involved, he was

involved from the testing side of things. He was organizing the -- we heard Bruce testify yesterday about the difficulties in arranging those tests, and that's what Casey was working on.

Q. All right. So, in any event, what you are telling us is the process was moving forward, it was at hand, Mr. Dajia obviously wasn't happy about the time that it was taking, but that your view is that it was moving ahead in the best way possible in accordance with the procedures that were available to you through the IAAF and so on?

A. Yes. The process was moving incredibly quickly from my perspective and anything that we have dealt with the IAAF this moved very quickly given that we started on what April 22, the IAAF --

THE COMMISSIONER: Did you tell Mr. Dajia that the CTFA would not be blackmailed?

THE WITNESS: No, I didn't say that. What I did say -- I left -- I mean it was his choice to go to the press, and I asked him to consider. Obviously I am very aware when someone phones me up and threatens I don't like being blackmailed and --

THE COMMISSIONER: Did you tell him that? Is it not an unusual thing for an athlete to threaten CTFA?

THE WITNESS No, it is not.

THE COMMISSIONER: It is not?

MR. ARMSTRONG: It happens all the time?

THE WITNESS: Yes, it does.

THE COMMISSIONER: I see.

THE WITNESS: Whenever anyone has a problem, they run to the press.

THE COMMISSIONER: To threaten unless you do this, I am going to and turn in the world's fastest miler.

THE WITNESS: It happens on other matters quite frequently.

THE COMMISSIONER: As the world's fastest man?

THE WITNESS: It happens quite frequently on other matters.

THE COMMISSIONER: I see.

THE WITNESS: What I was saying was that the IAAF initially responded that the next council meeting was in September, and that Mike Gee, he was a technical officer handling the situation, and he said that in this circumstance, given our request, he would approach the President directly. And by the third -- in response to the third fax, he told -- he had advised us, the CTFA, to direct --

THE COMMISSIONER: Well, all these faxes you are sending over to Europe, I am sorry, was that before the threats were made?

THE WITNESS: Yes.

THE COMMISSIONER: I see.

THE WITNESS: So, extraordinary steps were being -- not extraordinary, but the IAAF was responding to our request to hasten this procedure. And I mean I attempted to convey that to Mr. Dajia, but it was obvious, I mean by the third conversation, he was not -- he didn't appear to understand or sort of to want to understand the process that was required in his reinstatement.

MR. ARMSTRONG: Those are all the questions I have of Mr. Findlay. Thank you, Mr. Findlay.

THE COMMISSIONER: Do you have any examination at this time, Mr. Kane? You know you have the right to re-examine at the end.

MR. KANE: I think I will reserve my right to the end.

THE COMMISSIONER: All right. Mr. Freedman? Mr. Bourque.

MR. BOURQUE: I wonder if I might go first. Mr. Freedman and I have consulted and divided the issues for cross-examination.

THE COMMISSIONER: All right.

--- EXAMINATION BY MR. BOURQUE:

Q. Now, Mr. Findlay, we have read into the record Mr. Dajia's evidence that it is his recollection that the threat or at least the first of the two threats he says he made was conveyed to you at the very end of June or very beginning of July 1988.

Is that in accordance with your recollection.

MR. KANE: Excuse me for interrupting, Mr. Commissioner. I would refer to the same Volume that my friend referred to previously. I don't have the number for it, but during his examination-in-chief Mr. Dajia at page 7277 was more specific in answering questions from Mr. Armstrong.

THE COMMISSIONER: What did he say there?

MR. KANE: And specifically what he said was that this telephone conversation where the threat was made occurred three or four days prior to July the 5th. So, it wasn't during the month of June. It was, I would take from that, either the second -- first or the second of July.

THE COMMISSIONER: What date did you have, Mr. Bourque?

MR. BOURQUE: I had the very end of June or the beginning of July on the page before and I was about

to bring it to this reference that Mr. Kane has just brought up, 7277, at line 15, it is your question, Mr. Commissioner, as usual you nail it down:

"THE COMMISSIONER: How long was this after the conversation with Mr. Findlay, do you recall?

THE WITNESS: Three, four days."

And that is the letter of July 5 which is in evidence arranging the urine tests.

THE COMMISSIONER: That would put it where?

MR. BOURQUE: July 1st or 2nd.

THE COMMISSIONER: All right. That's according to his evidence.

MR. BOURQUE: Yes.

THE COMMISSIONER: Now, you are asking Mr. Findlay his recollection?

MR. BOURQUE: Exactly.

THE WITNESS: Can you repeat your question, please.

MR. BOURQUE:

Q. We have now heard Mr. Dajia's evidence, had it summarized again to the effect that the phone call or at least the first of the two phone calls that he made to you to convey this threat was around July 1st or 2nd,

1988. Is that in accordance with your recollection?

A. I have no recollection of when that took place, but given the -- I mean looking back over the telexes and my involvement in that whole case that would seem the time when that phone call did take place.

As I said, it was the third phone call and it was also the final phone call that I had with Peter Dajia. In the month of July, as I remember it, I had nothing to do with this case at all. I believe from that point it shifted into the actual testing and then notification of reinstatement by the IAAF and I had nothing further to do after that time.

Q. After the testing was done?

A. Even before that.

THE COMMISSIONER: After the third conversation, he said.

MR. BOURQUE:

Q. All right. Now, I am going to produce for you a bundle of documents. I believe you have a copy on the witness stand that constitute or at least I would ask you if they constitute your file on the reinstatement of Mr. Dajia and Mr. Gray.

I have copies, Mr. Commissioner, for you and for the Registrar.

THE COMMISSIONER: Thank you. What Exhibit No., Mr. Registrar.

THE REGISTRAR: 268, Commissioner.

THE COMMISSIONER: 268.

--- EXHIBIT NO. 268: Bundle of documents representing Mr. S. Findlay's file on the reinstatement of Mr. R. Gray and Mr. P. Dajia.

THE WITNESS: Yes, these do constitute my file on Peter Dajia.

THE COMMISSIONER: Thank you.

MR. BOURQUE: I am sorry, I did not get the Exhibit No., Mr. Registrar.

THE COMMISSIONER: 268.

THE REGISTRAR: 268.

MR. BOURQUE:

Q. Thank you. Now, Mr. Commissioner, I do not intend to proceed to do a laborious review of these documents, but I do wish to bring up with you, Mr. Findlay, certain of the documents leading up to the 1st of July and the time at which Mr. Dajia conveyed this threat. But just before I do that, you said in your evidence just

now with Mr. Armstrong that you had told Mr. Dajia to consider his actions because there were enough rumours already.

Now, was it your impression at the time that you spoke to him in this third telephone call that he was only going to take rumours to the press?

A. That was my assumption.

Q. And did you in your phone call clearly indicate that assumption to Mr. Dajia by telling him not to create any further rumours, it would hurt the sport?

A. I didn't tell him anything. I requested that he consider the effect that further rumours would have on the sport.

Q. But you clearly indicated that you had it in your mind that he was talking about taking rumors to the press?

A. That's correct.

Q. And he did not correct that impression?

A. He did not.

Q. Now, if I may ask you to examine Exhibit 268, and more particularly the second document in that bundle of documents which is a Facsimile transmission from the Canadian Track and Field Association to the IAAF in London, England, if I am not mistaken; is that correct?

A. That's correct.

Q. Dated May 26, 1988?

THE COMMISSIONER: Yes.

THE WITNESS: Yes.

MR. BOURQUE:

Q. That is from Mr. Wedmann, the President of the CTFA?

A. Correct.

Q. And that is the request for reinstatement by the IAAF, if I am not mistaken. Do I have that document correctly?

A. Yes.

Q. The next document I ask you to look at is the next in the bundle, which is a June 8 -- I am sorry, we have the order reversed. It is not the next one in the bundle, it is a June 8, 1988 letter to Mr. Gray from Mr. Wedmann, it follows by a couple of pages.

And is it your understanding that this is Mr. Wedmann's notice to Mr. Gray of the reinstatement decision taken by the Board of the CTFA in April 1988?

A. That's my understanding.

Q. And in this letter --

THE COMMISSIONER: That's the 8th of June, now, I notice.

MR. BOURQUE: This is the 8th of June, yes,

sir.

MR. BOURQUE:

Q. If we may turn back a page, on the same page there is a further Facsimile transmission to the IAAF concerning the reinstatement; is that correct?

A. Yes.

Q. And --

THE COMMISSIONER: That's from Mr. Findlay.

MR. BOURQUE:

Q. This is Mr. Findlay this time and it is a follow-up request on the reinstatement request of May 26, is that correct?

A. Correct.

Q. Then on June 8th, I point it out for the sake of completeness, there is also a message or rather a memorandum of a telephone call from Peter Dajia, which appears to have been taken by someone with the initials SEA in the office. Do you know who that would be?

A. A secretary in the Competitions department, yes.

Q. Yes. And then the next document is a Facsimile transmission from the IAAF dated June 17th,

1988. It is addressed to you. Do you have that document before you?

A. I do.

Q. Now this document states:

"Requests for reinstatement are normally presented to IAAF Council. Since the next Council meeting will be in September 1988, I have requested IAAF President to take emergency action and declare athletes eligible."

Now was this consistent with your efforts in the reinstatement of Mr. Dajia at this time, in other words, that it was something requiring emergency action?

A. Yes. It was critical to get them -- time lines were very tight, and it was critical to get them --

THE COMMISSIONER: Well, I think he'd explained they were going to lose the whole season if they didn't get action right away?

THE WITNESS: That's right.

MR. BOURQUE:

Q. Exactly. And I note the date of this transmission is June 17th, which is two weeks before your telephone discussion with Peter Dajia in which he conveyed the threat?

A. That's correct.

Q. Next is a letter dated June 13th from

Mr. Gray, and I'm going to leap over that -- I'm sorry?

A. The letter is dated June 13th. I was going to say it was received on June 20th, but that's probably the hard copy that was received on June 20th.

Q. Fine. The next document is another facsimile transmission to the IAAF in London dated June 20th from you.

THE COMMISSIONER: Spiritoso has dropped out now.

MR. BOURQUE:

Q. Do you see that? That's the effect of that memo.

A. Yes.

Q. And I note your last line. "Thanks for all your efforts to hasten a decision." Again does this refresh your memory as to whether or not you were treating this application for reinstatement on an urgent basis at this time?

A. It does.

Q. And the date of that document is June 20th, 1988?

A. Yes.

Q. The next document is another facsimile transmission from the CTFA to Mr. Gray dated June 22nd; do

you see that?

A. Yes.

Q. And I point out in the second paragraph, the second line, in reference to the IAAF, you're informing Mr. Gray, and I quote:

"They recognize the urgency of the situation, and I'm led to expect a decision well prior to the next IAAF Council meeting scheduled for September."

That's the end of my quote.

Is that again consistent with your recollection that as of June 1988, prior to your telephone discussion with Mr. Dajia, this matter was being treated on an urgent basis?

A. It does.

Q. And I note the next two documents are Telexes or copies of Telexes, one from you to the IAAF and then a reply, and again I suggest to you, if you will review them, that they indicate the matter is being treated on an urgent basis. They are dated June 26th and July 1st, 1988?

A. Yes.

Q. Finally, we have Exhibit 143 in the Inquiry, which is the letter sent to Mr. Dajia on July 5th, 1988, containing arrangements or setting forth

arrangements for the collection of his urine sample so that he could be tested and the condition to his reinstatement met. Do you have that letter before you?

A. I do.

Q. Now I hope I'm stating the evidence fairly. I believe it is the effect of Mr. Dajia's evidence that this letter and this arrangement of the urine tests came about in a hurry as a result of his telephone threat to you a few days earlier. After reviewing your file, do you agree with the claim by Mr. Dajia that it was his telephone threat that created the urgent appearance of these tests?

A. No, I didn't.

Q. Now I want to turn to another topic. Several days ago, a Canadian athlete by the name of Linda McCurdy-Cameron gave evidence to the effect that she had telephone discussions with you around the end of April 1988 concerning her suspension by the IAAF for a doping infraction. First of all, do you know Ms. McCurdy-Cameron?

A. I do.

Q. Do you recall having a telephone discussion with her at that time and on that topic?

A. Yes, I do.

Q. She related to us that in her telephone

discussion with you, there was mention of a further possible one-year suspension in addition to the IAAF three-month suspension, if I have her evidence correctly, and she did not know whether that would be CTFA or Sport Canada related. Do you recall any mention of such a suspension?

A. No, I don't.

Q. Now is it or was it then or at any other time, to your knowledge, a policy of the Canadian Track and Field Association to give an additional suspension to a Canadian athlete who has already received an IAAF suspension for a doping infraction?

A. No, it has not been.

Q. And we have heard evidence to the effect that Ms. McCurdy-Cameron was not carded. Is that consistent with your recollection?

A. She wasn't carded in that year, and she hasn't been carded during my tenure at the CTFA.

Q. Nonetheless, in recognition of some evidence about the Sport Canada ban on funding and its wide interpretation, possibly, by Sport Canada, I would ask you now, are you aware of a Sport Canada ban on funding relating to an ephedrine type of substance in the order of one year?

A. No, I'm not.

Q. Now if I may take you to yet another topic, Mr. Cecil Smith attended the Inquiry earlier this week to give evidence, and I assume you know who Mr. Smith is?

A. I do.

Q. And Exhibit 264 at the Inquiry is an exchange of correspondence between you and Mr. Smith in the early part of 1987. Have you reviewed that exhibit?

A. Yes, briefly.

Q. And do you understand that --

THE REGISTRAR: That number is 267?

MR. BOURQUE: 264.

THE COMMISSIONER: It's in the big book, I think.

MR. BOURQUE: I apologize to the Registrar, Mr. Commissioner, but I'm going to need Exhibits 260 and 267 as well.

MR. BOURQUE:

Q. Now Exhibit 264 Mr. Findlay, as I said, was the correspondence you had with Mr. Smith regarding, you may recall, research into standards or rankings for carding purposes; is that correct?

A. Yes.

THE COMMISSIONER: Oh, yes.

MR. BOURQUE:

Q. Now Mr. Smith's evidence was, I believe, to the effect that you were going to make a proposal to Sport Canada for funding in the amount of $3,000 for research into a new set of rankings for carding purposes; do you recall that?

A. That's correct.

Q. Did you in fact draw up such a proposal?

A. I did.

THE COMMISSIONER: Thank you, Mr. Bourque. That's 269? Yes.

THE REGISTRAR: 269, Commissioner.

--- EXHIBIT NO. 269: Proposal for world ranking lists based on dope-tested competitions

MR. BOURQUE:

Q. Notwithstanding the fact it's already exhibited, I'll ask you, can you identify that document? Is it the proposal you drew up?

A. It is.

Q. And may I ask you again, did that proposal result in your containing a request for such

research funding in the dope testing program submitted to Sport Canada for the '87-'88 year?

A. It did, for the fiscal year.

Q. And I note Exhibit 260 --

THE COMMISSIONER: I'm sorry, this document was submitted to whom, Mr. Findlay?

THE WITNESS: Sport Canada.

THE COMMISSIONER: I see. Yes, Mr. Bourque?

MR. BOURQUE:

Q. Exhibit 260, Mr. Findlay, if you'll turn to tab 16, and at tab 16, which is the CTFA 1987-88 anti-doping plan, I would ask you to refer to item 6 in the program --

THE COMMISSIONER: I'm sorry, Mr. Bourque, what date would be this letter be? It's not dated, 269.

MR. BOURQUE: I noticed that.

MR. BOURQUE:

Q. Do you recall when this document was prepared by you, Mr. Findlay?

A. I suspect it would be in the months of March, April '87, because this was part of the submission to Sport Canada from the CTFA for funds related to its

anti-doping program. So we're making submissions prior to the beginning of the fiscal year, which begins April 1.

THE COMMISSIONER: But the emphasis was on strength-intensive events; that be the throwing events?

THE WITNESS: That's correct.

MR. BOURQUE:

Q. I was directing your attention, Mr. Findlay, to the 1987-88 CTFA anti-doping program submitted to Sport Canada for the '87-'88 year and more particularly item 6 which is entitled "Statistical Studies for Dope Free Rankings". Do you have that before you?

A. Yes, I do.

Q. And I notice here there is a request for a budget in the amount of $3,000. Is that the followup request to Sport Canada made by the CTFA as a result of your discussions with Mr. Smith?

A. Yes.

Q. I'd ask you to refer to Exhibit 267, and more particularly tab 9, which is I believe the anti-doping program submitted by the CTFA to Sport Canada for the year 1988-89; am I correct?

A. Yes.

Q. Can you tell me if that document again contains a request for funding for the same purpose?

A. It does.

Q. And again it appears as item 6 in that document; is that correct?

A. That's correct.

Q. And to your knowledge, was approval of such funding ever received from Sport Canada?

A. To my knowledge, no. I mean, I've learned in the last two days that it was.

Q. I see.

THE COMMISSIONER: That it was?

THE WITNESS: That it was.

THE COMMISSIONER: It was approved?

THE WITNESS: It was approved, but I can say that it was not approved at the time that it was required.

MR. BOURQUE:

Q. To your knowledge, when was it approved?

A. To my knowledge -- I guess it was approved in April '88.

THE COMMISSIONER: Well, when your whole budget was approved, I gather? Was it a separate item? Wouldn't it have been part of your budget?

THE WITNESS: It's my understanding that it

was approved at the end of the fiscal year. I mean, I'm not quite certain here, but it was approved at the end of the '87-'88 fiscal year when there were unused monies in that program, and those unused monies could be used for this project.

THE COMMISSIONER: I see.

THE WITNESS: Which was of no use to me in my efforts to conduct this study because we need this work done in the summer, summertime or fall months.

THE COMMISSIONER: But it's in your current budget now or was for this year, then?

THE WITNESS: No, it was for money to be used in the previous year. In effect, you have, as I understand, 20 days to use unused money.

THE COMMISSIONER: I see.

THE WITNESS: And it was impossible to conduct a study in those 20 days, and it would have been of no benefit to the carding program because we need the stats done, you know, eight months in advance of the carding year.

MR. BOURQUE:

Q. In any event, we certainly have an indication that the Canadian Track and Field Association carried forward the proposal and received approval from

Sport Canada for the expenditure of funds for that purpose; is that correct?

A. Yes.

Q. Now, you testified at length this morning concerning discussions you had with David Steen, and I wish to touch very briefly on one part of your evidence. You mentioned that upon your return to the office, while Mr. Wedmann was still out of his office, you talked with Denis Landry and Casey Wade about the information you had received from Mr. Steen on the weekend?

A. That's correct.

Q. And at the time that you spoke to each of these employees, did you tell each of them that it was your intention to raise the matter with Mr. Wedmann as soon as you could get in touch with him?

A. I did.

Q. And was each of these employees at the time subordinate, if I might put it that way, to Mr. Wedmann?

A. They were.

Q. And did they support you or encourage you in your decision to take the issue to Mr. Wedmann?

A. I don't remember any input to that regard.

Q. All right. Now finally, in your evidence last April, there arose the subject of Mr. Johnson's purchase of a Ferrari automobile, and on the wild assumption that the Commissioner may have a question or two on that topic for you --

THE COMMISSIONER: Well, we have all the information now I think, Mr. Bourque.

MR. BOURQUE: I don't know that we do.

THE COMMISSIONER: Oh, I'm sorry. All right. I thought I had asked Mr. Armstrong, and he had given me some new material.

MR. BOURQUE: I'm sorry. I thought Mr. Armstrong and I at least had in mind that you were referring to documents you had requested at the time, but there's an additional two documents which I was prevented from raising with Mr. Findlay last April by virtue of the fact the Mr. Futerman was not present, and Mr. Armstrong thought that it wouldn't be appropriate to raise --

THE COMMISSIONER: Well, we're still in that position now. I think he just provided the documents for me. I don't think we have to go into public on this matter anyway; as long as I get all the information.

MR. BOURQUE: I'm sorry. I didn't appreciate your concern. I'm quite in agreement with that.

THE COMMISSIONER: Mr. Futerman is not here, and if any matters arise, I'll discuss it with him.

MR. BOURQUE: Very good.

THE COMMISSIONER: It's not necessary to have it here today. I'm interested in the matter, as you know. I have asked some general questions, and I want all of the documents. I know that they will be provided.

MR. BOURQUE: So you will receive those documents?

THE COMMISSIONER: Right.

MR. BOURQUE: I have no further questions of you, Mr. Findlay. Thank you.

THE COMMISSIONER: Mr. Freedman -- sorry. Mr. Armstrong, Mr. Bourque, you will get together and make sure we have everything that we are talking about?

MR. ARMSTRONG: Yes, we will.

THE COMMISSIONER: I thought we had. Thanks, Mr. Bourque.

All right, Mr. Freedman?

MR. FREEDMAN: Thank you, Mr. Commissioner. Mr. Bourque feels territorial having been here this long.

--- EXAMINATION BY MR. FREEDMAN:

Q. Mr. Findlay, my name is Jeremy Freedman. I represent Mr. Wilf Wedmann.

As athletes' services coordinator, Mr. Findlay, you told us that you're at a level where you interact with the athletes fairly regularly?

A. That's correct.

Q. And do you know many of them personally?

A. That's correct.

Q. And you work with them on a regular basis?

A. Yes.

Q. And so I take it that you are in a position to observe the athletes more closely than many other officials at the CTFA including Mr. Wedmann?

A. That's not necessarily correct. Most of my communication was done over the telephone with the athletes. The number of times that I was out of Ottawa in any one year to see the athletes in competition can easily be counted on one hand, and it's -- I mean, I haven't thought about it, but I would question whether Mr. Wedmann hadn't been out of the office more often than I was.

Q. So I take it from what you're saying, you don't know whether he was out of the office more than you or less than you?

A. No, I don't know.

Q. But what we do know is that in January

of 1988, at least --

THE COMMISSIONER: Would it be likely that he would attend most of the track meets as the president of the CTFA?

THE WITNESS: No, there's no --

THE COMMISSIONER: He wouldn't be attending the major track meets?

THE WITNESS: No, there is no necessity for the president to attend.

THE COMMISSIONER: I just assumed that there might be. If I were president, I'd be there, I think.

THE WITNESS: Every president is different, I think.

MR. FREEDMAN:

Q. But at least what we do know from what you told us this morning is that despite all the contact, whether it be by phone or watching competitions that you had with the athletes, that as of January of 1988, you still considered any information that had come to you about use of banned substances to fall into the category of rumor?

A. Yes.

Q. I want to talk to you a little bit

about your discussions with Dave Steen. I take it from what you told us this morning that it was your impression that Mr. Steen was very reticent to have your conversation passed along to Mr. Wedmann?

A. Yes, he was reticent until -- at some point I was able to explain to him and sort of take away his fears that this wasn't going -- there weren't going to be any repercussions against himself, and in the end, his reticence was eliminated.

Q. Well, I take it the repercussions about which you speak would be Mr. Steen being perceived perhaps as a stoolie? Is that not fair? He didn't want to play that role?

A. I don't know.

Q. Well, what did you perceive to be the cause of his reticence?

A. As I said earlier, he didn't want to turn those athletes in, and that wasn't the objective either. I don't know -- in hindsight, I don't know if he did have an objective in reporting that to me. I just know he was very, very concerned.

Q. Well, I suggest to you that based on your conversation with him, that his concern was that he didn't wish to turn anyone in?

A. Possibly, yes.

Q. And I suggest to you that it follows from that that he also would have been reluctant to come forward with the information in a public manner?

THE COMMISSIONER: Well, I'm not sure about that, Mr. Freedman. If he was called before the board and asked what conversation he had with Mr. Findlay, I would assume he'd tell them what he told Mr. Findlay.

THE WITNESS: It wasn't pursued, so we don't know.

MR. FREEDMAN: Okay.

THE COMMISSIONER: He was never asked to appear before the board or before anybody else.

MR. FREEDMAN:

Q. Did Mr. Steen ever ask you to follow up with the information that he provided you?

A. No, he didn't.

Q. Now you say you first discussed the information with Mr. Wade and Mr. Landry on the Monday; is that correct?

A. First Mr. Landry and then Mr. Wade, yes.

Q. And I take it you're not aware of whether one or either of those people raised it subsequently with Mr. Wedmann?

A. That's correct.

Q. And I take it you didn't discuss with either of them you're going jointly with them to Mr. Wedmann, either to discuss the information at fist instance or after your first discussion with Mr. Wedmann?

A. That is correct.

THE COMMISSIONER: I think he said he suggested to Wedmann that four people get together and decide what action to take, and one of them would be Mr. Wade -- Mr. Landry was one, I think?

THE WITNESS: That's correct.

MR. FREEDMAN:

Q. But subsequent to meeting with Mr. Wedmann and no committee coming together, I take it that you didn't go back to either Mr. Wade or Mr. Landry and say, "Look, I want to go talk to Mr. Wedmann. You guys come along. I want your support"; none of that took place?

A. No.

Q. Now when you were discussing your telephone conversation with Mr. Wedmann and your meeting with Mr. Wedmann, as my notes have it, you said with respect to a couple of answers, "as you recall". I just want to ask you, do you have a clear recollection of your

conversation with Mr. Wedmann or your conversations with Mr. Wedmann today?

A. Was it two years ago?

THE COMMISSIONER: What was the answer? I'm sorry. You've already testified as to what you -- as to the two meetings -- as to the telephone call with Mr. Wedmann?

THE WITNESS: Yes.

THE COMMISSIONER: And the meeting with Mr. Wedmann when he came back to the office?

THE WITNESS: Yes.

THE COMMISSIONER: And Mr. Freedman wants to know if you're clear on that; is that a clear recollection?

THE WITNESS: Yes, it's a very clear recollection. I can't give you a verbatim account of what was discussed, but my intent was to discuss the contents of the conversation with Steen and to grab Mr. Wedmann's attention. It wouldn't do any good beating around the bush. I'm sure. I'm confident I presented the issues to him.

MR. FREEDMAN:

Q. I think you also told us this morning that you couldn't recall whether you also told Mr. Wedmann

at that time your concerns of your observations of Mark McKoy and others the previous week at the Ottawa Nationals?

A. That's a very -- my concerns re: observations of McKoy are insignificant compared to the magnitude of the issues that Steen had presented to me.

Q. But I believe you told us this morning that your observations of Mr. McKoy in some way brought home to you the sense, in your mind, that maybe the rumors weren't just rumors and that that was confirmed the next week by your conversation with Mr. Steen. So isn't it the case that really it was all a package of bringing home to you, now, something more concrete?

A. As I've said, in the conversation on the telephone, I viewed it as an initial discussion, and so I presented the most highly visible concerns to Mr. Wedmann, and if the McKoy issue wasn't related in the telephone conversation, it would be related in our face-to-face meeting.

Q. But you have no recollection today as to whether you did recall that or not?

A. No.

Q. Okay. Now you told us that you were aware that Mr. Wedmann met with the U. of T. coaches and Mr. Mach and others in I believe it was late February or

early March of 1988; is that right?

A. I'm aware of that meeting, yes.

Q. And I take it that you don't know whether your discussion with Mr. Wedmann about your conversation with Mr. Steen was a factor in leading Mr. Wedmann to meet with the U. of T. coaches at that time?

A. That's correct, I don't know.

THE COMMISSIONER: Neither do I.

MR. FREEDMAN: Well, Mr. Wedmann will be giving evidence later, Mr. Commissioner.

MR. FREEDMAN:

Q. I take it from what we have before us, Mr. Findlay, that you never put your concerns or your discussions with Mr. Steen in writing in any way to Mr. Wedmann?

A. That's correct.

Q. Or to Mr. Wade?

A. Correct.

Q. Or Mr. Landry?

A. Correct.

Q. Or the board?

A. Correct.

Q. And when the issue of the $10,000 a month came up to be paid to Dr. Astaphan, just so I'm

clear, you never raised that with Mr. Wedmann because Mr. Wedmann had left the organization by then; is that correct?

A. That's correct. I stated, at that time, Paul Dupre was in the office.

Q. And I believe you also said that when Peter Dajia made his threats to you that you might have passed them along to Mr. Wedmann. Did I have that correct?

A. I did definitely pass them onto Mr. Wedmann.

Q. Well, as I have the timing of Mr. Dajia's threats, I believe that from the evidence we've just had, that was around the 1st of July; isn't that right?

A. Yes.

Q. And isn't it true that Mr. Wedmann had left in late May or early June, mid-June?

A. I can't recall the timing of his departure.

MR. FREEDMAN: Those are all my questions.

THE COMMISSIONER: Thank you, Mr. Freedman. Mr. Pratt?

--- EXAMINATION BY MR. PRATT:

Q. Good morning, Mr. Findlay. I'm Allan Pratt representing Charlie Francis.

First of all, sir, I'd like to ask you, do you recall a conversation with Mr. Francis in Seoul during the Olympic Games?

A. I encountered Charlie often.

Q. In particular, it's my information from him that he sought -- you, rather, came to him and suggested that he might assume a more active role in assisting Mr. Gerard Mach who you indicated to Mr. Francis might be having some difficulties with the organizational function in his position; do you recall that?

A. I recall that conversation.

THE COMMISSIONER: I'm sorry. Is this in Seoul after the Olympics or before the Olympics or during the Olympics?

MR. PRATT: I was just going to ask Mr. Findlay when it was.

THE WITNESS: It was during Seoul at the training track prior to the events.

If I can clarify, the purpose of that suggestion was Charlie was always explaining about the national team program, so essentially I was saying get involved with the other event group coordinators.

MR. PRATT:

Q. But I take it you wouldn't have made that suggestion if you hadn't thought his involvement might be beneficial?

A. Definitely. In his role -- at that time, his role was as an event group coordinator, as the coordinator for all the sprinting events of the national team program, and so he should be involved in the design of the national team program.

Q. And you wouldn't have had this conversation if you didn't obviously think he was a pretty good track coach?

A. Correct.

Q. Now just to touch briefly upon the incident relating to Mr. Dajia, would it be fair -- I take it, sir, you are quite familiar with what he said about his various calls to you and the threats that you have been telling us about this morning.

A. Yes.

MR. BOURQUE: Mr. Commissioner, I don't know how this concerns Mr. Francis.

THE COMMISSIONER: I'm not sure either.

MR. PRATT: Well, I was simply wanting briefly, sir, to touch upon the point that -- and this may

be being argumentative, and if it is, I'm sure you'll let me know -- that although Mr. Dajia thought that he had a bombshell to drop on the CTFA, in truth, the CTFA was so used to these kinds of suggestions that this witness didn't even brother to find out whether Mr. Dajia had rumor or fact.

THE COMMISSIONER: Well, I asked him whether he asked Mr. Dajia what he had, and he said he didn't ask him.

MR. PRATT: All right. Fair enough.

MR. PRATT:

Q. Now finally, sir, I would like to touch for a moment on the observations you made about Tracy Smith. I take it, sir, that if I have my chronology right, when she was a member of the U. of T. Track Club, you were the administrator of that club?

A. Correct.

Q. And in fact you were the administrator, I think, when she left that club to go join the Mazda club?

A. No, I was working at the CTFA at that point.

Q. So this was some time later?

A. Yes.

Q. Did you know Ms. Smith and have occasion to talk to her?

A. I knew her, yes.

Q. Would you say you knew her reasonably well?

A. No, I wouldn't.

Q. Well, what you said this morning, that you were very upset because her joining the Mazda club was symbolic of some of the problems that you perceived in the sport, and perhaps I could just suggest that what you meant by that was that you saw her leaving what you thought or believed to be a clean club to join what you had suspicion to be a dirty club in the terms of the use of steroids?

A. No, it's not that simple. I saw her leaving a club which had expended considerable resources on her development over a three-to four-year period; you know, considerable financial resources, considerable volunteer coaching resources, and for -- and her performance had improved considerably over her time with that club. It's not to say that everything was perfect in her relationship with that club, but there was that relationship there, and for that to be broken in favour of a club whose main feature appeared to be the use of banned substances and benefits related to the success associated

with those banned substances, I did not believe that was a very good situation.

Q. Did you ever speak to Ms. Smith about her reasons for leaving the U. of T. club and joining the Mazda club?

A. Yes, I did.

Q. And what did she tell you?

A. She was upset with -- I believe she was upset with her coaching situation there.

Q. At the U. of T. club?

A. That's correct.

Q. Are you aware, sir, that Ms. Smith in fact wrote a lengthy letter to Gerard Mach outlining in detail her concerns with the coaching that she had received at the U. of T. club?

A. Yes, I am aware of that.

Q. And have you read that letter, sir?

A. I may have. I think I have, yes.

Q. If you had read it, you would then be aware that that letter also enclosed a training schedule that had been provided for her at the U. of T. Is that in accord with your recollection?

A. I can't remember. I think that letter -- how long ago was that letter written?

Q. Well, she left the club in the fall of

1987. It would be sometime around there or after there. I take it, sir, you would be at the CTFA by then?

A. Yes.

Q. And that in fact the reasons that she gave, not only to yourself but to Mr. Mach and to Mr. Francis was that she had sought a better level of coaching expertise and that's why she made the change; isn't that right?

A. I can't remember the contents of the letter.

Q. But what she told you was that she thought she was going to get better coaching from Mr. Francis than she was going to get form her previous coach at the U. of T.?

A. She believed she was moving to a better environment.

MR. PRATT: Thank you, sir. Those are my questions.

THE COMMISSIONER: Thank you, Mr. Pratt. Do you have anything, Mr. Kane?

Perhaps we will adjourn now until 2:15.

--- A luncheon recess was taken.

--- Upon resuming.

THE COMMISSIONER: Mr. Findlay. Mr. Kane.

MR. KANE: Thank you, Mr. Commissioner.

THE COMMISSIONER: Thank you.

--- EXAMINATION BY MR. KANE:

Q. Mr. Findlay, you have in front of you a copy of Exhibit 132, which is a letter dated July the 19th, 1988 from Dr. Astaphan to Ross Earl which was referred to this morning during your examination-in-chief. And it was specifically referred to in terms of it being the contract involving the payment of $10,000.00.

I take it that Exhibit 132 is the full document; is that correct?

A. That's correct.

Q. Now, as I understand it, the scenario of what happened was that the document as we see it, namely, signed by Dr. Astaphan and apparently signed by Ben Johnson, but that after their signature that document was presented to you?

A. That's correct.

Q. And that document was presented to you on the basis that it was a request from Mr. Earl that monies be released from Mr. Johnson's account in order to pay Dr. Astaphan; is that correct?

A. Correct.

Q. I take it that that letter was presented to you on or about the 19th of July?

A. No, it wasn't. You can see by the comment, the written comment on the top, this is actually the second copy that was mailed to me. And I must have got this two to three weeks after the date that it was of July the 19th because as the note says Ross mailed that to me and I never received the original copy. So, and I remember subsequent conversations about it, I must have received it two or three weeks.

Q. All right. The document even having been received two or three weeks later represents, as I understand it, a request for a disbursement of funds?

A. Correct.

Q. Did it represent to you anything other than that in terms of the CTFA's involvement?

A. No.

Q. And it represents a request for the release of funds in order to pay for services that had already been rendered and anticipated services in the future, correct?

A. Correct.

Q. There was a phrase that was used this in morning in terms of this letter and it was, as I recall

it, it came up on the basis of whether or not the CTFA administered this document. I want -- I just want to be very clear as to whether or not your involvement with this letter was in relation to anything other than whether or not the funds would be released in order to pay the account referred to in that letter?

A. Our involvement was limited to the decision as to whether to release funds on the basis of the content of this letter.

Q. I would like to take you back to this time period, so we are talking towards the end of July I take it or the beginning of August in 1988. The document itself has a timeframe. It talks about medical services being rendered between the middle of May and the middle of October 1988?

A. Correct.

Q. Now, had you, in your capacity with the CTFA, had you authorized a similar payment of funds on behalf of Mr. Johnson for Dr. Astaphan previous to Exhibit 132 like this?

A. Not for medical support, no.

Q. I would like to go back to that timeframe, and I would like to know, you indicated this morning that when you originally received this request asking for the release of funds, you were concerned, and I

take it that that concern related to the information that you had received -- a confirmation that you had received a few month's previously in terms of Dr. Astaphan and the use of steroids?

A. Correct.

Q. All right. The letter sets forth in paragraph A the services that had been and were to be provided. And specifically in paragraph A-1 it talks about the diagnosis, the treatment, the rehabilitation of his injuries. I would like to know in the beginning of August 1988 what your understanding was vis-a-vis any level or injuries that Mr. Johnson had at that point in time?

A. Johnson at that point was recovering from the very, very severe injury he incurred at the meet in Japan in May, mid-May, I believe.

Q. What did you understand that injury to be?

A. If I remember correctly, an injury to the hamstring. And it was my understanding that it was very, very severe. It was quite a significant tear in that muscle group. And Dr. Astaphan was very involved in the rehabilitation of that injury.

Q. What did you understand, again back in August of '88, did you have in any specific knowledge as

to what Dr. Astaphan's involvement was vis-a-vis this injury, what did you understand?

A. That he was -- there was ongoing physiotherapy related with that injury as well as -- I mean, psychological therapy is a fairly heavy term, but he was providing a lot of psychological support to Ben through the --

THE COMMISSIONER: Did you know about that? Did you know before then or just reading the letter? That's what the letter says.

THE WITNESS: No, I knew through my discussions with Ross Earl and one discussion with Astaphan himself. And that was ongoing. I mean the program that Dr. Astaphan, in my understanding, had committed to was a crash course in preparation for the Seoul Olympics.

Q. Are you saying that at the time that you received this letter and the request for the release of funds you had already had a conversation with Earl and with Dr. Astaphan?

A. Correct.

Q. And I take it in those conversations covered the nature of services to be provided by Astaphan?

A. Yes, but more so the state and condition that Ben Johnson, the athlete, was in.

Q. All right. That leads in to paragraph A-2 which says that the other area of services to be provided is the maintenance of his physical and psychological integrity and well-being so as to avoid injuries in the first place.

What, given the conversations that you had had with Dr. Astaphan and Mr. Earl, what did you understand that physiological assistance was that was going to be provided or the nature of their relationship?

A. The application of physiotherapy, the advice regarding training, and the general preparation for the upcoming national championships.

Q. But specifically did you have any understanding as to Dr. Astaphan's specific involvement in those three areas that you just talked about? What was he doing to your knowledge?

A. I don't know specifically what physiotherapy modes he was using with Ben. But when someone talks about physiotherapy chances are generally you are going to involve massage and various forms of --

THE COMMISSIONER: Well, he wasn't doing that; Mr. Matuszewski was doing all of that.

THE WITNESS: No, I don't think so. When Ben spent a fair time in St. Kitts --

THE COMMISSIONER: I am sorry, in St.

Kitts, you are right.

THE WITNESS: -- I believe that Dr. Astaphan was even directing Mr. Matuszewski as to what physio to apply to Ben.

THE COMMISSIONER: Yes.

MR. KANE:

Q. What about in the area of physiological assistance, what did you --

THE COMMISSIONER: He said psychological.

THE WITNESS: Psychological.

MR. KANE:

Q. I am sorry, psychological?

A. Shortly after the injury when there was -- when the rift, the much publicized rift between Astaphan and Charlie Francis was widely reported by the newspapers, I did have conversations with both of Ross Earl and Jamie Astaphan and they both stressed the very severe situation that Ben Johnson was in regarding his confidence because of this injury. And I believe Jamie did tell me that in our conversation that the biggest impediment to Ben's performance in Seoul was not going to be physical but psychological, getting a return to the level of confidence that he had, for example, prior to

Rome World Championships, a return to that state of mind for his appearance in Seoul.

And I mean this was just going to take a lot of confidence building on Jamie Astaphan's part which required a considerable investment of time on his part.

Q. In terms of time, and we are talking about a period May to October, a period of five months, what was your understanding again when you were looking at this document in terms of the amount of time, either per day, per week, whatever that Dr. Astaphan was devoting pursuant to this arrangement?

A. Well, I understood that he was -- that Ben Johnson was spending weeks, the two of them were spending weeks of time together. Obviously, not -- I didn't believe Dr. Astaphan was spending 24-hours a day with Ben, but certainly they would be together sufficiently that Dr. Astaphan would be working with Ben two to three times a day. That was my understanding.

Q. Was that restricted to St. Kitts?

A. No, no.

Q. Where was it?

A. Both Toronto and St. Kitts and Astaphan was over in Europe with Ben on at least one occasion as well.

Q. Attending a meet in Europe?

A. Yes.

Q. We now know that in fact you did authorize the release of funds in order to pay this account. Were you satisfied at the time that you did it, given the factors you have pointed out, that there were valid medical services that were being and were to be provided by Dr. Astaphan?

A. Without a doubt, yes.

MR. KANE: Those are of all my questions. Thank you, sir.

THE COMMISSIONER: Thank you, Mr. Kane. Any other questions? Mr. Armstrong?

MR. ARMSTRONG: No, I don't think I have any questions.

THE COMMISSIONER: All right. Thank you very much, Mr. Mr. Findlay, for your assistance.

THE WITNESS: Thank you.

MR. ARMSTRONG: Then, Mr. Commissioner, my next witness is Donald Fletcher.

THE COMMISSIONER: Mr. Fletcher.

DONALD STEPHEN FLETCHER: Sworn

---EXAMINATION BY MR. ARMSTRONG:

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Thank you. I would ask to

file Mr. Fletcher's CV as the next exhibit.

THE COMMISSIONER: Thank you.

THE REGISTRAR: Exhibit 270, Commissioner.

THE COMMISSIONER: What number, Mr. Registrar?

THE REGISTRAR: 270.

THE COMMISSIONER: 270. Mr. Armstrong --

MR. ARMSTRONG: Thank you, Mr. Commissioner.

THE COMMISSIONER: -- I will not go beyond 275 in numbered exhibits.

MR. ARMSTRONG: All right.

THE COMMISSIONER: There will be five more at most.

MR. ARMSTRONG: Can I file them all now and go home.

--- EXHIBIT NO. 270: Curriculum Vitae of Mr. Don Fletcher

MR. ARMSTRONG:

Q. Mr. Fletcher, you, from your CV, were raised in Winnipeg, attended the University of Manitoba in Winnipeg and received your Bachelor of Physical Education degree in 1967?

A. That's correct.

Q. You did post-graduate work in physical education at the University of Western Ontario?

A. That's correct.

Q. And in the track and field world you were a competitor in high school, running in the middle distance events including cross-country events?

A. That's correct.

Q. And you were a member of the Flying M Track Club in Winnipeg, Manitoba, from 1962 through 1980?

A. Yes.

Q. While at university you were a member of the University of Manitoba a cross-country team?

A. That's correct yes.

Q. I understand you have coached at the high school level in track and field in the early seventies?

A. Yes.

Q. And in the late seventies you became involved in the organization of track and field on a volunteer basis becoming President of the Manitoba Track and Field Association in 1979 - 1980?

A. Yes, that's correct.

Q. And then so far as other official positions in track and field are concerned, you became

Director General of the Canadian Track and Field Association in 1981 which position you held until 1985?

A. Yes, that's right.

Q. And the position of Director General, I take it, was the most senior paid staff position in the Canadian Track and Field Association at that time?

A. That's right. Just as I was leaving, the name of the title had changed to General Manager just at that time.

Q. I see. And your immediate successor was who?

A. Wilf Wedmann.

Q. Then during your -- first of all let me ask you this: When in 1985 was it that you left?

A. It was in January of 1985 that I left.

Q. Then I take it that during your tenure as the Director General of the Canadian Track and Field Association, some of the initiatives that have been testified to in the past few days were commenced and underway under the immediate supervision of Mr. MacWilliam?

THE COMMISSIONER: What type of initiatives are you talking about?

MR. ARMSTRONG:

Q. I am sorry, initiatives in respect of anti-doping planning and development of policy?

A. That is correct. Mr. Tom MacWilliam was the Technical Director who reported to me at that time. And the initiatives with the policies on anti-doping control of 1982 were initiated at that time, yes.

Q. All right. Mr. MacWilliam has told us that the plan that was formulated, developed, and adopted in 1982 and was marked and included in one of the exhibit books included a provision for out-of-competition testing?

A. Yes, the terminology wasn't out-of-competition testing, it was random testing throughout the year. That's more, I think, the appropriate terminology of that day.

Q. All right.

A. But certainly the provision was there as an initial draft of a policy on anti-doping control that would allow for that at some time in the future.

Q. All right. And during the period of time that you were the Director General, what this -- I suspect the answer to the question is obvious, but in fairness I am going to ask it of you.

What was your personal position as Director

General of the Canadian Track and Field Association so far as the anti-doping program was concerned?

A. I have -- was very strongly in favour of an anti-doping control program. I have always been against the use of performance enhancing substances, whether it be in a training mode or in competition mode. I have been, you know, opposed to those kinds of substances for lots of different reasons, not the least of which, of course, was the rules of the Association and the IAAF at the time.

Q. All right. Now, during the period of time that you were involved in executive positions in the track and field world beginning with your position as President of the Manitoba Track and Field Association in 1979 through to 1985, were you aware of some of the information that was available as to the extent of the use of performance enhancing substances in certain events in track and field?

A. Let me go back a half a step in the sense that as an individual and as a volunteer there had always been a number of rumours that the throwers in the mid-to-late seventies had been using various kinds of anabolic steroids mostly because these guys were all so big. I mean they had to be doing something, right, kind of attitude.

I knew in that 1976 with the Olympics in Montreal that there had been a doping control program established for that particular program, by way of, you know, reading media reports and other kinds of information.

I think the first real contact that I had with respect to the issue in terms of directing me directly was just after I had entered the office of the CTFA and had been faced with the issue of a young athlete that's been reported on, Alexis Paul MacDonald, who had been tested positive at a previous Pan Pacific event in, I guess it was early 1981. And that this Miss Alexis Paul MacDonald had testified essentially that she was on a birth control pill and as a result of that she had ended up testing positive.

So, that was my first real contact with anabolic steroids as an issue that I had to be aware of.

Q. Yes. And apart from the fact that some of the throwers were large and the rumors circulated about, well, they are big, they must be doing something, I mean did you come to the same conclusion during the early to mid-eighties that many others did that in fact it was likely that a number of the throwers were taking the benefit of steroids?

A. I didn't come to any personal

conclusion that they were in fact having the benefit of steroids. I certainly was aware that there had been a number of comments being made by varieties of groups of people that the throwers would be doing something, but again very, you know, non-specific.

Q. I assume that the program that was being developed under the direct supervision of Mr. MacWilliam, adopted by the Board in 1982, must have your approbation?

A. Yes, it did, of course. In fact, I helped develop parts of that with him.

Q. I assume you must have thought that it was there to -- it was being developed for more than simply dispelling rumours, that it was required and needed to address a serious problem of the use of anabolic steroids in track and field?

A. It was developed and needed to address a problem. How serious, we were weren't aware of how serious at the time, but it was certainly developed and needed within the sport.

We were quite aware that these rumours are, you know, are fueled sometimes by what, you know, conjecture on lots of individuals' parts, but we knew that in 1976 steroids had been a subject before. We had had the Alexis Paul MacDonald issue ahead of us or actually

just behind us in the 1981 season.

So, we knew there was, you know, the possibilities. And that's why a policy was being developed. And yes, that is a 1982 policy and that's part of the reason why it was being developed, yes. We wanted to start to address the problem as soon as we could.

Q. I want to carry you forward for a moment. I am going to take you back to the Alexis Paul MacDonald time period, but I want to carry you forward for a moment to the selection of the 1984 Olympic team for the Los Angeles Games.

Did you become involved in an issue that arose in respect of a couple of throwers who had qualified for the national team, the Olympic team, and for some reason had not been tested after --

A. It was the national championships.

Q. -- they had competed in the national championships?

A. Yes, I had become involved. There were two of the three throwers who -- and again I don't recall the specifics of why they had not been tested or had not competed at the championships in Winnipeg at the time. Dr. Doug Clement had indicated to me that he felt there might be something more to this than just them not competing or having been tested, that there was some

suspicion that they may have been doing some various kinds of steroids or other kinds of performance enhancing drugs and --

Q. Who were the throwers?

A. Mr. Bruno Pauletto and Bishop Dolegiewicz.

Q. Yes.

A. And based on, you know, that kind of discussion with Dr. Clement and reviewing that these athletes had not been tested at championships, I had made arrangements from my office with the Sports Medicine Council and with Gerard Mach, our head coach, to ensure that two testing units were being packaged up and forwarded with the team to Vancouver where the team had been convening just prior to the Olympics in 1984. And the instructions were to ensure that both those throwers would provide a sample under supervision, and that those samples would then be mailed back to Montreal for being -- for testing.

My position with the -- at that time, was that these two athletes should not be on the team until that testing had occurred, until we were assured they had undergone the procedures that we had put into place before.

For some reasons, that are unknown to me

because I wasn't in Vancouver at the time, they were missed.

I think we got one of them in Vancouver. I think Mr. Pauletto was tested in Vancouver, and for some reason, either the materials arrived late or people weren't in the right place at the right time, we didn't get to test Bishop until a little bit later.

I was most concerned about this and expressed that concern to Mr. Mach and indicated again to him that as far as I was concerned, Mr. Dolegiewicz would not be competing on the Olympic team in Los Angeles if he did not have a test done on him.

I think that the materials and the supervision of that was finally caught up in Sacramento, which was the training ground for the -- or I should say the preparation ground for the team prior to taking up residence in the Los Angeles village. And having contacted Bishop at that time, and because the timeframes were pretty tight, rather than just having him provide a sample at that time, we took the step of putting him on a plane to Montreal, flew him back to Montreal, had him tested directly there.

And if the test would have proven negative, then we would have flown him back to Los Angeles. If it was going to be to be positive, we were going to leave him

there in Montreal.

As it turned out, the test was negative and, of course, he flew back on to Los Angeles and joined the team in L.A..

Q. You didn't say it, but I assume the test in respect of Pauletto that had been taken in Vancouver was --

A. It was negative as well.

Q. -- was negative. All right. Now, in the 1984 national championships in Winnipeg, had Pauletto and Dolegiewicz actually competed and were they as a result of being in that competition at that time subject to a dope test?

A. Unfortunately, I don't have access to the records of that particular meet so I don't know for sure that they did compete or not compete.

I do know that there is a provision in the selection criteria that had they made the standards prior to that event, they could be automatically named to the team. So, that was a possibility that they could have been named to the team automatically without having competed.

Certainly had they competed, the doping control policy was in effect, and whether or not that event under the random testing system would have been

selected and whether or not those individuals within that random system would have been selected, I don't know at this point. But it was quite obvious that neither of them had been tested in Winnipeg, and that's why we took the extra steps.

Q. And the reason for your having taken the extra steps at that time was that Dr. Clement came to you, said there was some speculation, concern about whether or not these two athletes were on steroids or taking performance enhancing substances, and you took it in your own hands to say, well, I am going to have them tested before they are part of our Olympic team?

A. That's correct.

Q. Then you mentioned the Alexis Paul MacDonald situation. And as I understand it from the evidence that we have had to the present time when she tested positively and gave the explanation that the substance found in her test may have emanated from some medication she was taking, then you ordered that some kind of study be done which involved a couple of other female athletes or three other female athletes of the Canadian national team?

A. When the rationale had been put forward that the birth control pill, Minestrin, that she was taking might have created the derivative that could have

been tested positive, the process that was undertaken at that time was in fact a study being taken both in Canada and I believe also in Germany at the same time. I wasn't aware --

THE COMMISSIONER: I think Dr. Pipe went all through this, didn't he?

MR. ARMSTRONG:

Q. Yes, he did. It wasn't my intention, Mr. Fletcher, to, unless for some reason you feel that it is important for the purposes of presenting the evidence that you wanted to present, but it wasn't my intention to go back through it again in detail.

I just wanted to confirm that you were indeed involved in the setting up of the Canadian side of that study to attempt to ascertain whether or not a female taking the birth control pill containing 19-Nortestosterone might produce a positive sample for steroids.

A. Yes. I wasn't aware that Dr. Pipe had given you that background.

Q. Yes.

A. So certainly our involvement was there to both try to take care of the concern for the athlete because we were concerned that perhaps this was in fact true, and if that was in fact the case and it was a plausible case, then we should be using that kind of information to further warn or make people aware that this particular birth control pill could possibly have that kind of a problem in terms of testing positive in the future.

So of course we are concerned both for the athlete and for the system at the time to make sure that something taken by accident wasn't going to turn up as a positive or even a false positive test at some time in the future.

Q. As we already have it in the evidence, the result of the research or study that was done indicated that the other women who were used to test out the theory all produced negative tests?

A. That's the information that I was provided with at the time.

Q. We've also had in evidence that as a result of that, you convened a meeting sometime in March

of 1982, and in attendance were Alexis Paul-MacDonald, Charlie Francis and Ross Earl?

A. That's correct, m'hmm.

Q. Apparently at that meeting, as I recall, you told her that unfortunately the only conclusion that now one could come to was that she had taken a banned substance and that she was therefore suspended and that was where the matter ended?

A. As far as she was concerned, yes.

Q. Yes.

A. Yes, that's where the matter ended. That's right.

Q. In fairness to her, you asked her at that meeting, according to Mr. Francis' evidence, whether she had anything to say, and she again denied that she had taken anabolic steroids, and really that was it as far as she was concerned?

A. That's correct, yeah.

Q. Now Mr. Francis has testified that after she left, you asked both Ross Earl and him if he knew anything about her use of steroids and that they both replied they did not.

A. That's correct. I had pointed the question directly both at Ross and at Charlie, because I was quite concerned about the possibilities that they were

in fact counselling or were aware of and not informing anybody of these banned substances being used by other athletes.

I had asked Charlie directly and quite pointedly whether or not he was aware of his athletes taking drugs. He had said no, and I had asked him quite pointedly, as well, was he counselling his athletes to use steroids, and he said no, he hadn't been.

I talked to Ross Earl to that same effect. I don't remember asking the question quite as pointedly of Ross, but I remember discussing the topic with him at that time, and he indicated that it would certainly not be the policy of that club to be counselling athletes to utilize a banned substance at that time.

Q. Mr. Fletcher, Mr. Francis testified this meeting in March of 1982 was at Ross Earl's school?

A. That's correct, in Scarborough.

Q. Then he testified that Ross Earl left and went back to the classroom to teach, and you and he apparently went across the road to a doughnut shop to have coffee and a further discussion?

A. He and I certainly went someplace to have coffee. I don't remember it being a doughnut shop per se, but that's true. He and I then continued discussions with respect to this issue and others.

Q. And give us your recollection of that conversation, please.

A. Well, I think that I was quite -- let me go back a half a step. I was a bit concerned about the evidence that Charlie had provided because his reconstruction of that time and mine were different. I think that how he construed that my actions and discussions with him were somehow or other condoning them using steroids was a little bit beyond my belief when I read, you know, his testimony.

Certainly my recollection of the discussion was that I had indicated to Charlie that, as being the first event center within the CTFA structure, as it was being developed at that time, that he was going to be a model-type program, that it was very critical for us and the association and for himself to be sure that everything was working according to the rules and that everything was being abided by quite well.

We talked about cooperation, and I had indicated to him that cooperation was a two-way street, that I would certainly do everything we could to make sure that he got all the support and services necessary to make York Center successful; and in reverse, he wanted to make sure -- I wanted him to assure me that his athletes weren't going to be involved in any of these kinds of

substances and that he would do everything he could to make sure that the York program was going to become a success.

I would like to put this a little bit into context, if I might, in another way, and that is, I'm not sure whether or not you or members of the public are aware that the York Center was the first center that we had established under the policies that were established in the CTFA at that time. Charlie was essentially the first full-time paid coach within the association, specializing in sprinting events and trying to provide for the best possible environment so that we could end up trying to produce world caliber athletes.

This was a different and new approach within the Canadian Track and Field Association at the time. Up to that point in time, many of the coaches were still volunteers or were receiving some honorarium, and for us to take a very major step of putting a large amount of our resources into one coach, into one center, and beginning to focus on one or two events was very new for us.

In 1981-82, we essentially were trying to compete with the rest of the world with one full-time coach, trying to develop a half a dozen or dozen sprinters in those few events at that time.

By way of comparison, in 1981, the small

university of North Dakota from Grand Forks, North Dakota, a little town just south of us in Winnipeg, has a population of 25 or 30,000 people, and that university had two full-time coaches and several, you know, part-time coaches. So by way of example and trying to put this into some perspective at the time, Canadian track and field was trying to take on the world with one coach. The United States in its school system for decades has had many full-time coaches throughout most of its university system and program. The Soviets and the East Germans have had full-time coaches and specialized event centers and very clearly identified talent identification programs for at least since 1956 and maybe sooner, and here we were in 1981-82 trying to get this ball rolling with the singular event center at York. In that context, because it was a very important program and beginning to put a lot of our resources into that particular part of the program, it was important that the success of that center be effective.

So in that context, we talked a lot about the kind of resources that were going to be necessary in terms of knowledge of the meets coming up, knowledge of a variety of services, how would we be able to get massage and lot of kinds of backup support, et cetera, within that program. So we talked a lot about those kind of things.

I put this, all this previous few minutes of

conversation to give you some perspective of where we were coming from at that time.

Q. All right. Well, let me just put to you what Mr. Francis says took place in the conversation.

He said that after you had the meeting with Alexis Paul-MacDonald and after you had asked both Earl and him whether or not their group were using steroids, you and he went across the road to a doughnut shop, as he called it, and this is his evidence as to your discussion, at Volume 23, page 4219:

"At that point, Don Fletcher asked me once again if I knew anything about her [meaning Alexis Paul-MacDonald] or I had any knowledge or any involvement with her and her use of anabolic steroids or could shed any light on the situation. And I said once again, no, I didn't know anything about it and she had never told me anything. I couldn't help.

He then asked me, "What about your other athletes? Can you guarantee me that we're not going to have a problem with your other athletes?" I phrased my answer very carefully. I said, "I am not going to guarantee you that other athletes in my

group will not be using anabolic steroids in the near future." This was around March of '82. And I said, "As a matter of fact, I most certainly do not want a repetition of the problem that has occurred here. I want to know what my athletes are doing, and I think you should cooperate."

That's not his full description of the discussion. It goes on, and I am going to give you the full description; but let me just stop there if I may and ask you, first of all, did you ask him if he could guarantee that you were not going to have a problem with any of his other athletes?

A. Yes, I did. I made that very clear. I had asked him those questions. That's correct.

Q. And did, to your knowledge, he respond "I'm not going to guarantee you that other athletes in my group will not be using anabolic steroids in the near future"?

A. Something to that very effect, yes. The subject in that context was that he had been talking about the fact that while he is the coach of the athletes and while he wants to be able to know everything that they're doing, there is no way that he could ever guarantee everything that they were doing, that while he

might want to know everything that they're doing, the athletes themselves are still individuals, they are adults and they may be taking various kinds of substances or do other kinds of things that he would not, as a coach, necessarily know. So in that kind of a context, he said they could never guarantee it.

And I could buy that because that's quite clear. I mean at that time, the athletes were still coming into that particular center, and he didn't have a lot of that control over them, and that the part of the argument that he had about Alexis Paul-MacDonald in the first place, that he had no knowledge that she would have taken any of these banned substances.

Q. Now was your concern to ask Mr. Francis about the use of anabolic steroids generated by the fact that one of his athletes, Alexis Paul-MacDonald, had already tested positively, or was your concern that you had heard rumors that there may be others in the group?

A. I had heard no rumors at that point of others in his group to that March of '82 period of time. The only issue was Alexis Paul-MacDonald, and of course when that issue presented itself, there were then discussions about who else on the Canadian team or others who might have happened to be on banned substances.

I think it's fair to say that she was the

first athlete -- you know, she probably wasn't the first athlete in Canadian history, but she was certainly the first athlete of a number of -- quite a period of time, and so in some ways it was viewed as being an individual as opposed to, you know, a whole bunch of people that are possibly were out there, she being the only one being caught.

Q. Now did you have some discussion with him during the course of this meeting, if I can describe it that way, about a couple of upcoming meets in Yugoslavia and Milan, Italy?

A. Yes, that's true, we did. We talked about Yugoslavia and Milan. Canada was on our program coming up in the summer or fall. I can't remember if it was August or September of '82. On our program for the year we were going to have two dual meets; one with Yugoslavia, then followed up with a second meet in Italy, I think it was Milan, and we did discuss that particular program. We discussed a number of other programs as well.

He in his evidence I think -- well, he's suggesting that -- in his evidence, he suggested that I think --

Q. I'm going to give you his evidence in a moment. Why don't you just give us your recollection unassisted by what you think he may have said. Give us

your best recollection of what you said and what he said, and then we'll deal with his version?

A. Well, I don't know all of the detail of all of the words. It was --

THE COMMISSIONER: You mean about these two meets, now, you're talking about?

MR. ARMSTRONG: Yes.

THE COMMISSIONER: About Yugoslavia and Italy, in Milan?

THE WITNESS: In talking about those two meets, there were a number of topics discussed, and certainly the discussion of whether or not testing was going to occur was one of them, but other subjects that were raised were the topics of --

THE COMMISSIONER: Why was that discussed, with the testing? If you're being assured that Mr. Francis' athletes are not using steroids, why would the subject immediately follow whether these meetings were going to be tested?

THE WITNESS: Well, it didn't immediately follow. It was a part of a wide range of discussion. What happened, in discussing for those particular meets, when you're dealing with dual meets of this nature, you're always trying to find out as much information about the meets as possible. For example, what are the

accommodation arrangements going to be like? What are the events that are going to be staged, because in dual meets with other countries, they can stage different events? How many athletes per event are we going to have? Is it going to be one, two or three events?

THE COMMISSIONER: I can understand that, but why would whether they are being tested, dope tested or not, come up?

THE WITNESS: That's all part of a whole series of check lists and things that we were starting to develop, and whether or not dope testing was going to be occurring was one of the questions that we were asking of countries at the same time because we were preparing for the Athens 1982 Special Congress of the IAAF, and we wanted to continue to lobby for dope testing on the international scene. We had maintained that by continually keeping this on the agenda that we would keep --

THE COMMISSIONER: That might be interesting for development of an overall policy, but why wasn't it necessarily irrelevant to you and Mr. Francis' discussion?

THE WITNESS: Except in that context of the whole of the team that was being developed at the time.

THE COMMISSIONER: I'm sorry I interrupted.

You go ahead and say what -- Mr. Armstrong has asked you what was said about these two meets. I interrupted you and I'm sorry.

THE WITNESS: Again, the detail of that whole conversation in terms of how it all got led into, you know, I don't recall the specifics of it except that I know that in the discussions for the Italy meets and that particular trip because it was a round-trip group, it a was part of gathering a bunch of information, and testing was a part of that information.

One of the things that's important to know, I think, when you take teams internationally, we were always trying to find out as much information about every meet possible so that when the team is actually out there in the field with it, the numbers of surprises are kept to a minimum so that people are aware of everything that's happening in as much international arena as possible. That goes from everything; it's from accommodations, to travel arrangements, to events, et cetera.

MR. ARMSTRONG:

Q. Well, again, I'm like the Commissioner. I can understand all of that. You would want to know probably what arrangements have been made for hotels, whether you're going to be staying in a hotel or a student

residence, or something, what training facilities beforehand may be available, but who cares whether at the end of the day, at the end of a particular event, one or more of your athletes is going to have to provide a urine sample?

A. Well, because testing on an international basis had been essentially I think limited to the major events only, and if it was going to occur in some of the minor events, we wanted to be sure that the athletes weren't surprised by that situation, surprised in the sense of a part of the whole protocol. Yet at the same time, if they are aware of it, then we're aware that they're starting to prepare themselves mentally for all the different things that happen. They may end up having other events that day. They may be thrown off by the fact that they are now going to have to provide a sample and yet go back onto the field and have another event down the way, and this might be just another one of those pieces of information at the same time.

We were also looking at, as I say, trying to keep the issue, what, in the minds of people. I don't know if that helps answer your question or not, but --

Q. All right. I guess you might well say the same sort of thing that Mr. Savage said to me yesterday, that, you know, if I go to the doctor, I expect

some blood to be taken. I expect a urine sample to be taken, and it's no big deal; and I expect if I'm a track athlete, I expect that there is a fairly good chance that somebody might ask me to provide a urine sample, and --

A. Not at that time.

Q. -- and it's not likely to be a psychological barrier that I'm going to have to break down in my own mind.

A. Not at that time. It would have been -- it was not the norm to do testing at that time.

Q. All right. And then did you -- he, Francis, must have asked you about these two upcoming meets, or you must have had some discussion with him about the two upcoming meets?

A. M'hmm, I did.

Q. And were you able to provide him with information at that time?

A. Not at that time, no. It was later.

THE COMMISSIONER: Well, did he ask you whether they were going to be tested at those two meets? I think that's what he testified to.

THE WITNESS: Yeah, he asked whether or not I knew if testing would occur at those meets, and I had indicated I didn't know at that time, and that as part of discussions with those two countries, Yugoslavia and

Italy, later we would communicate via Telex to those countries and find out all of the different conditions I was talking about.

I had then telephoned Charlie and indicated that testing was not going to be a part of that program, and that was it, really. I also indicated to Charlie that -- I know I indicated to Charlie, saying "Look, you're going to have to stop dealing with me on a number of these kinds of issues. You've got Gerard and you've got others in the office that deal with them on a regular basis." The association at that time was growing very quickly, and I didn't have a lot of time to be dealing with all of Charlie's issues.

Because I was still relatively new in the association, Charlie had a penchant for calling me up all the time, lobbying me on all kinds of materials and issues about making sure that the York Center was getting all the resources that was necessary. He wanted me to help him keep the OTFA off his back on various kinds of occasions; a milieu of things.

Out of frustration, I said to Charlie, "Look, you know, there's a system here. Start dealing with Gerard. Start dealing with Tom and those issues. There are a lot of technical issues which I can't help you with, and these are some of them, so deal with the proper

channels."

Q. All right. When you went back to Ottawa after this discussion with Francis, was it you who telephoned Milan and -- I don't know how to pronounce it. It looks like Selja.

A. Celja.

Q. -- Celja, Yugoslavia, and got the information?

A. No, I did not telephone those two countries. We would send a Telex, and a Telex was sent, and international protocol is that a Telex would go over my signature as the chief operating officer of the association. The protocol is that would be --

THE COMMISSIONER: What other information did you request in the Telex? Did you ask for anything else except whether there was going to be doping control.

THE WITNESS: Right. We asked for all that other kind of information --

THE COMMISSIONER: What else did you need to know then?

THE WITNESS: We needed to know what the travel arrangements were going to be.

THE COMMISSIONER: You didn't know anything by that stage?

THE WITNESS: No, we didn't. This was

in -- I guess this was what, March, April of '82. The meets weren't until August, September. They were still very much in the discussion stages.

THE COMMISSIONER: I see.

MR. ARMSTRONG:

Q. And did you tell Francis when you called him back a week later that you had contacted or phoned the federations in the two countries and told them that you were doing a doping study to decide on an anti-doping program for Canada, and you wanted to know what doping plans were in place for their countries so that you could decide on a program, and they then told you that Yugoslavia and Milan were not on the list of tested meets?

A. No, I don't recall discussing --

THE COMMISSIONER: Well, you just told me that a minute ago yourself, that's why you were doing it?

THE WITNESS: Oh, no, but I think the question was different. As I understand it, you asked me whether or not I told them --

MR. ARMSTRONG: Told Francis that.

THE WITNESS: -- told Francis that I was trying to collect all this data by contacting the --

THE COMMISSIONER: Well, how would he know

that's what you were trying to do? You just mentioned now the reason why you were calling was for this very reason.

THE WITNESS: Well, I wasn't phoning. We ended up -- we did Telex, and we were talking about a variety of issues of those particular meets of which testing was part of that situation. It wasn't the only situation.

THE COMMISSIONER: Well, you must have told him at one time that that's what you were doing because he wouldn't know. He wouldn't get that from any other source.

THE WITNESS: In our discussions, I'm sure we discussed a number of things, not the least of which was how would we set up, you know, testing type of programs, but I don't recall saying to Charlie all of what you've just said to me there.

MR. ARMSTRONG:

Q. Well in fairness, I'll read it to you. He said after you had this discussion with him about whether or not he could guarantee that his athletes were not on or not using steroids, he said:

"'I want to know what my athletes are doing, and I think you should cooperate'."

And he then says:

"I told him that there were two competitions that were coming up that might be tested meets, Celja, Yugoslavia, which was a dual meet between Canada and Yugoslavia, and Milan in Italy, which was an international competition. I asked him at that point to find out if there was going to be testing in those two competitions.

He went back to Ottawa, and about a week later I got a telephone call from him. He told me he had phoned the federations in the two countries, told them that he was doing a study to decide on an anti-doping program for Canada and he wanted to know what doping plans were in place for their countries so that he could decide on his program. They told him that Yugoslavia and Milan were not on the list of tested meets. He phoned me back and told me this. However he also added the proviso that obviously he have couldn't continue to be running surveys all over Europe, and I was just going to have to find some other source of information."

That's his version of --

A. The context that that's put in suggests that the only conversation we had was about whether or not testing was going to occur at those meets, and that was not the case. The case quite simply is that we were talking about a variety of issues of which testing was a part of it.

Whether or not I phoned him back in a week, I don't know what the time frame was, but I did contact him shortly after and indicated that those two meets were not on the testing -- testing would not occur at those meets. I don't recall talking with him about the business of giving them this idea that we were going to be developing our own doping control pattern and therefore asking them for this information. I don't recall saying that kind of thing.

THE COMMISSIONER: When I asked you why you inquired of him, you said that that's what you were doing, that you were making a study and --

THE WITNESS: No. No, I didn't. No, I did not.

THE COMMISSIONER: I misunderstood you. I thought you had said that.

THE WITNESS: No, not at all. What I said was that we are inquiring by Telex of those two countries whether or not testing was going to be a part of those

particular two dual meets as a part of a whole series of things that we would ask normally to find out what was going on at a particular meet.

THE COMMISSIONER: I misunderstood you. I'm sorry.

Go ahead, Mr. Armstrong.

MR. ARMSTRONG:

Q. Thank you. Then we have heard it from more than one witness that Mr. Francis from time to time when he talked to people in the track and field world had displayed more than a passing knowledge and more than a passing interest in the use of drugs. Was that your experience?

A. Yes, it was.

Q. Sorry?

A. Yes, in many conversations over the years, Charlie had a very good knowledge of at least the names of drugs and some of their apparent uses. I had no way of knowing what drug X was, its effects and what its biochemical breakdown was, but Charlie at times would talk about various kinds of pharmacological agents.

Q. And was your suspicion level ever raised by virtue of the fact that he seemed to have that kind of knowledge, bearing in mind that he was not a

trained pharmacologist?

A. Certainly my suspicion levels were more than just -- I just didn't discount it all. That's part of the reason for the doping control policy in '82 and '83. That's part of the reason why the numbers of testings that were being done were expanded from just the National Senior Championships to try and include both the National Indoor and the National Senior Championships.

So I think that it's fair to say that, you know, while there was feelings that maybe there were more to just the rumors than rumors, there was still no evidence; there was still no sense of anything substantive that would give you anything to work on except in the context of an overall policy that we were trying to develop and begin to implement alongside of a lot other parts of programs at the same time.

Q. And when he was expressing an interest among other things and knowing specifically whether two meets the following summer in Yugoslavia and Italy were going to have testing, that must have, again, raised the suspicion level in your mind at that time?

A. No. At that time -- you know, when you sit here today and you look at that in hindsight it might seem that way, but at that time I believed Charlie, and at that time it did not raise any suspicions in my mind that

he was trying to obtain this kind of information for any special or otherwise reason of using that information in any other way except as a part of the overall. I never suspected that Charlie was trying to gather information so that he could develop his own testing protocol in which he could end up having his athletes on-again off-again until maybe now, you know, this recent year.

Q. Then there was one other matter that was raised during the course of Mr. Francis' evidence, and that was in September of 1982 at the Eight Nations meet in Tokyo?

A. Right, m'hmm.

Q. And were you in Tokyo at the time of the Eight Nations meet?

A. Yes, I was.

Q. And were you aware that Bishop Dolegiewicz was one of the scheduled Canadian representatives in the -- and I can never remember --

A. He was shot put.

Q. He was shot put?

A. Yes.

Q. Were you aware that he was scheduled to participate in the shot put?

A. Yes, I was, m'hmm.

Q. And apparently there was some problem

that arose in respect of his ability to compete, and did you become involved in that?

A. Yes, there was a problem in his ability to compete, and I only became involved in it indirectly.

I had been told by Gerard Mach that there had been a meeting between himself, Bishop Dolegiewicz and Doug Clement, the team physician, that Bishop's recurring elbow problem was flaring up and that he should probably not compete for Canada in that Eight Nations meet. There was some concern of that, of course, because the Japanese had paid for our way, and everything, and were expecting us to have our best athletes there; but it was as a result of that meeting, Dr. Clement, I think, signed the injury card indicating that Bishop's elbow would not withstand the test of that competition. I was informed of that meeting afterwards by Gerard.

Q. And Mr. Francis has testified that there was in fact a meeting in your hotel room, I believe, that included you, Gerard Mach, the throws' coach, Jean-Paul Baert, and I believe Dr. Doug Clement at which this issue was discussed and that he was also in attendance at the meeting. What do you have to say about that?

A. His reconstruction of that time is not accurate. First of all, I was not at a meeting in my room

with those individuals. I had been informed of this meeting -- of a meeting -- with Gerard, Bishop and Doug Clement only. Jean-Paul Baert --

THE COMMISSIONER: Sorry. Was this before the decision was made as to whether Mr. Dolegiewicz should or should not compete, or was it after that?

THE WITNESS: I don't recall that, quite frankly, whether it happened in proximity to that, but it was --

THE COMMISSIONER: Can you identify the meeting, Mr. Armstrong, so we'll know what you're talking about?

MR. ARMSTRONG: Sorry. This meeting, according to Mr. Francis' evidence, took place before the decision was made that Mr. Dolegiewicz not compete.

THE COMMISSIONER: I think you should put that to the witness.

MR. ARMSTRONG: All right. Well, let me --

THE COMMISSIONER: You should identify the time and place.

MR. ARMSTRONG:

Q. Let me just identify the evidence. He said that apparently Dolegiewicz informed them that he had a problem and a meeting was called in your room in Tokyo

before he was scheduled to compete. Now I'm sorry, I can't be any more precise from the record than that.

THE COMMISSIONER: He being Dolegiewicz? I'm sorry, I'm not clear. Dolegiewicz said he had a problem?

THE WITNESS: Yes.

MR. ARMSTRONG: Yes.

THE COMMISSIONER: Who called? Dolegiewicz called?

MR. ARMSTRONG: Dolegiewicz apparently told Charlie Francis.

THE COMMISSIONER: I understand.

MR. ARMSTRONG: And Francis was summoned to a meeting together with these other people.

THE COMMISSIONER: Go ahead.

THE WITNESS: Well, I am sure I would have remembered if I had called a meeting in my room with those individuals. There was no meeting of that group of people.

MR. ARMSTRONG:

Q. Let me --

A. Secondly, I think there is an error in fact in Charlie's testimony. Jean-Paul Baert wasn't in Tokyo. He was in Hawaii with the rest of the team getting ready to go to Brisbane. Only a portion of the team went from Canada to Tokyo. And another portion of the team had gone to Hawaii in preparation for training camp to leave to Brisbane.

What happened, of course, was the Eight Nations meet was a special meet as a warmup for some

Canadians prior to 1982 Commonwealth Games in Brisbane. And so the team split. Some went to Tokyo, then on to Brisbane. Others were in Hawaii and then on to Brisbane. And Jean-Paul Baert, who was a throws coach, was in Hawaii with the team at the time.

Q. You remember that?

A. Yes.

Q. All right. Then let me just put to you Francis' version of the meeting and see if it in anyway causes you to change your recollection.

He said that in this -- and I am sorry, I am reading from Volume 23 at page 4223:

"And in this meeting, Gerard opened up meeting. He was very disturbed, and he says, 'I just don't understand what's going on, these athletes today,' and this sort of thing. He was very angry. And he also realized he had a very big problem because Bishop was one of the biggest stars on our team. He also had a problem because Debbie Brill was injured and wouldn't be able to compete. So that meant that out of, perhaps, six stars on the national team, for which he had gotten one of the most prestigious invitations in the world, out of

the six stars we had, two were not going to compete."

And I asked him some questions about Debbie Brill.

And then he remembers that among the other people that he mentioned who were in attendance were Clement. And then he says:

"The problem was that Bishop Dolegiewicz had informed them that he could not pass the drug test."

And he said that Bishop Dolegiewicz apparently had told that to, and he doesn't identify who, but had certainly told him that earlier.

And he said Dolegiewicz was not at the meeting, and then went on to say:

"Well, Gerard was very concerned -- "

I am sorry I am reading at page 4225:

"Well, Gerard was very concerned that he not compete. It was known that he had a pre-existing --"

THE COMMISSIONER: Excuse me, Dolegiewicz was not at the meeting?

MR. ARMSTRONG:

Q. Yes.

"Well, Gerard was very concerned that he not compete. It was known that he had a pre-existing shoulder injury, so the possibility was that he could simply produce a medical certificate and not compete in the competition. There was considerable discussion going back and forth, could he potentially at least put in one throw and, then, you know, excuse himself from the competition with this injury so at least he would have tried and so forth? I was adamant that that was insanity, that if we know that an athlete has a problem, he should never set foot inside the stadium so there's no possibility that he can be tested. They agreed that that would be the course of action and he, in fact, did not compete in that competition."

And does any of that alter your recollection as to whether or not you were either at the meeting as described or at any meeting or participate in any discussion similar to that?

A. No, I was not at any meeting that would discuss what you have just talked about there.

THE COMMISSIONER: Was there any discussion

that you are aware of that Bishop Dolegiewicz was concerned about having to take a test?

THE WITNESS: No, no discussions that I was aware of with respect to that at all.

And just a little point of information, I think I had read some of that testimony, and I think -- I think there is some discrepancy in terms of whether Charlie was at the meeting or not at the meeting, and there was also some discrepancy in terms of whether or not Bishop was at the meeting or not at the meeting.

THE COMMISSIONER: I thought there was --

THE WITNESS: Because what you have just read there, Mr. Armstrong, I think suggested that Bishop Dolegiewicz was not at that meeting.

MR. ARMSTRONG:

Q. Yes.

A. And yet earlier there was a suggestion that it was Bishop, Doug, Gerard, and myself at that meeting. So, that's inconsistent, and I am not sure that that's --

Q. Well, I think I have given the facts fairly as to what Mr. Francis' evidence was --

A. It may be.

Q. -- and I think the bottom line of his

evidence, and if I am wrong others will correct me, but I think a fair reading of the evidence is that Francis said he was at the meeting, Bishop Dolegiewicz wasn't, Dolegiewicz spoke to him beforehand and told him that he had a problem that he couldn't pass the drug test?

A. But your question to me initially was whether or not I was at a meeting with Bishop --

Q. I apologize.

A. -- and Charlie and all those people.

Q. I apologize. I did it very badly and I confused you and everybody else. But whether or not Dolegiewicz was at the meeting, were you at any meeting --

A. No, I was not at any meeting.

Q. -- where they were attempting to resolve an issue of how Dolegiewicz could gracefully exist from the Eight Nations competition in order to avoid being tested because he was dirty?

A. No. No, I was not part of any such meeting. Certainly, as I said, Gerard Mach had informed me of the meeting with him and Bishop and Doug about his injury, and it was his elbow and not his shoulder that was the injury. And in fact, actually -- no, after the Eight Nations meet was over, Bishop went to compete for Canada in Brisbane. And as I recall, he competed in the discus before he went in to the shot put, and I think he only

completed one or two throws and then reinjured his elbow at that particular time and then withdraw from the shot put in Brisbane.

MR. ARMSTRONG: Could I just have your indulgence.

THE COMMISSIONER: Sure.

MR. ARMSTRONG: I am just checking one other matter, and then I think I am finished.

MR. ARMSTRONG:

Q. Were you involved in anyway, Mr. Fletcher, in connection with the arrangements made for the drug testing that was to take place at the Provo, Utah training camp in the spring or --

A. In May of 1985?

Q. -- early summer of 1985?

A. No, I was not. I had left the office prior to that time, and I had not been involved at all in the development of that training camp or the testing leading up to it.

MR. ARMSTRONG: Those are all the questions I have.

THE COMMISSIONER: Thank you. Any questions of Mr. Fletcher. Mr. Bourque?

--- EXAMINATION BY MR. BOURQUE:

Q. With respect to the Eight Nations meet in Tokyo in 1982, Mr. Fletcher, you have made it quite clear that you were not at any meeting such as the one described by Mr. Francis?

A. That's correct.

Q. I believe you also suggested that another person who Mr. Francis says was there, a throws coach, Jean-Paul Baert, could not have been there because he was in Hawaii?

A. That's correct.

Q. Do I have it correctly from you that this coach, Jean-Paul Baert, did not make this stopover in Tokyo at all, but went straight from Hawaii to Brisbane?

A. That's my understanding, yes.

Q. Well, do you remember seeing him in Tokyo at all?

A. No, I don't remember seeing him in Tokyo at all.

Q. And finally I note that while Mr. Francis' transcript indicates a shoulder injury to Mr. Dolegiewicz, you have spoken consistently in terms of an elbow injury?

A. That's correct.

Q. Are you positive, are you certain now

in your recall that it was an elbow injury that Mr. Dolegiewicz had?

A. I am certain of my recall. I had actually had discussed this with Dr. Clement and in his recall it was an elbow injury as well.

Q. You have discussed this with Dr. Clement?

A. Yes.

Q. And in your knowledge of Dr. Clement over the years -- well, let me put it another way.

In talking to Dr. Clement, did he indicate that he issued a certificate of an injury for Mr. Dolegiewicz in 1982 when, in fact, the real basis for pulling Mr. Dolegiewicz from the competition was a fear he would be detected for steroid use?

A. Dr. Clement indicated to me he had signed the injury --

THE COMMISSIONER: Mr. Francis indicated that there was -- that he did say the fact there was an injury there as well.

THE WITNESS: An injury card was sent --

MR. BOURQUE: That is correct, but the point I am trying to get at, Mr. Commissioner, is whether -- whether Mr. --

THE COMMISSIONER: There was some basis to

it, Mr. Francis has conceded.

MR. BOURQUE: Yes.

THE COMMISSIONER: It wasn't the principle reason.

MR. BOURQUE: I am sure there was some basis to it.

MR. BOURQUE:

Q. Did Dr. Clement, in his discussions with you, indicate he had any knowledge of steroid use by Bishop Dolegiewicz in Tokyo in 1982?

A. No.

Q. Is it consistent with your knowledge of the man, Dr. Clement, that he would ever be part of any coverup of steroid use by Bishop Dolegiewicz?

A. No. In fact, it is consistent in my thinking because over the -- well, I testified earlier, too, that it was Dr. Clement who sort of alerted me to the situation after the 1984 championships with Bruno and Bishop. And it was on that basis that we had taken the steps we had as I have testified earlier.

THE COMMISSIONER: Did Mr. Francis say Dr. Clement was at the meeting --

MR. ARMSTRONG: Yes, he did.

THE COMMISSIONER: -- where this was

discussed. Thank you.

MR. BOURQUE:

Q. Mr. Fletcher, do you condone the use of anabolic steroids or any other performance enhancing drugs in amateur athletics?

A. No, I don't. I don't condone it at all.

Q. Did you at any point during your tenure as Director General of the CTFA condone the use of anabolic steroids?

A. Absolutely not.

Q. And did you at any time during your tenure as Director General of the CTFA assist or offer to assist any coach or athlete in an attempt to avoid testing for banned substances?

A. No, absolutely. We were very much against the use of performance enhancing drugs of any type, on a number of grounds, not the least of which is as we said the rules earlier, but on the ethical question itself, in terms of good sportsmanship. On the business of -- we weren't sure of what the long term -- we are still not sure what the health issues are all about.

And I have been opposed against the use of any type of anabolic steroids or any other performance

enhancing substance consistently for -- I don't know how long back.

Q. To the extent that Charlie Francis' evidence implicates you in either the coverup of steroid use by Canadian athletes or in the alerting of Canadian athletes to drug testing abroad, do you deny it?

A. I am sorry, do I deny?

Q. Do you deny his evidence to the extent that it implicates you in that kind of practice?

A. Absolutely, yes.

MR. BOURQUE: No further questions.

THE COMMISSIONER: Thank you. Mr. Pratt.

--- EXAMINATION BY MR. PRATT:

Q. Good afternoon, Mr. Fletcher, my name is Alan Pratt. I represent Charlie Francis.

You mentioned in relation to the Eight Nations meet, sir, that Gerard Mach came to you and told you about a meeting involving Dr. Clement, Mr. Dolegiewicz, and Mr. Mach. And was Charlie Francis included in that? I didn't make a note of that.

A. Not to my knowledge. To my knowledge it was only the three of them.

Q. What did Mr. Mach tell you was discussed apart from the elbow injury at that meeting?

A. I am sorry?

Q. What did Mr. Mach tell you was discussed at that meeting apart from the elbow difficulty of Mr. Dolegiewicz?

A. I remember Gerard being quite distressed at the fact that we were going to end up having a second of our athletes not participating in this particular meet.

Mr. Mach had a very special relationship with the Japanese and over the years that relationship was one in which they continued to call on him for a lot of services as a consultant in many ways.

So, Gerard was a bit concerned about the idea that we have -- we put this team together and, yes, two of our best athletes weren't competing. And he was concerned about how this sort of this fared for Canada in the overall, but that was about it.

Q. You agree with Mr. Francis that Debbie Brill was unable to compete as well, I take it?

A. Yes.

Q. When did you last speak to Mr. Baert about his whereabouts at this time?

A. I haven't discussed this with Mr. Baert at all.

Q. So, you are just simply relying on your

own recollection of his whereabouts in September of 1982?

A. Yes.

Q. You have mentioned a short while ago that Dr. Clement in 1984 expressed concern about two throwing athletes, one of them Mr. Dolegiewicz, because they were not tested at the -- either didn't compete or weren't tested at the National Championships.

Now can you tell me approximately when you first had discussions with Dr. Clement about his concerns about Mr. Dolegiewicz and steroid use?

A. Are you talking about the 1984 time period? I think that's about it, yes.

Q. That would be the first time so that --

THE COMMISSIONER: Yes, but --

THE WITNESS: At the time -- it would have been after --

THE COMMISSIONER: He expressed the concern at that stage, that's why he wanted them tested.

THE WITNESS: That's right. This would have been --

THE COMMISSIONER: And the basis of that concern why -- did he say what he knew about it or what he thought about it?

THE WITNESS: I don't recall the specifics of the conversation except that he had indicated to me

that he had been concerned that the two athletes hadn't been tested and they may, in fact, be doing some things and that I should --

THE COMMISSIONER: You don't know how long he had had that concern, that's what Mr. Pratt is --

THE WITNESS: No, I don't know how long he had that concern because this was raised with me just about -- I can't recall exactly whether it was the last day of the championships or it was the next day, but it was in that time period, but it was definitely after the championships were over in 1984. So, I guess that would have been June of 1984.

THE COMMISSIONER: Go ahead, Mr. Pratt, I interrupted you, I am sorry.

MR. PRATT: That's quite all right, sir.

THE WITNESS: It would have been about June of '84, I guess.

MR. PRATT:

Q. All right. Was there anything more to your discussions than his concern that a high profile and very large throwing athlete had not attended at a drug-tested meet? Was there anything more to it when he expressed this concern to you that led to Mr. Dolegiewicz being independently tested?

A. He wasn't independently tested. Bruno Pauletto was tested as well. There were the two of them. None of our shot-putters that were going to be on the team had been tested at that point. And not having competed or, again, I can't recall whether or not they had competed or not. I am assuming that they had not competed and that's why they were not tested. But I can't recall that specifically because I don't have the results of the 1984 championships at my fingertips. But there was no -- no particular reason other than that that I am aware of.

Q. I take it, sir, that you were well acquainted with Dr. Clement in September of 1982?

A. Yes.

Q. And he is a track coach as well as a physician?

A. Yes.

Q. Had you by that point ever had discussions with him about anabolic steroid use by athletes?

A. We had had some discussions about the drug study that was -- about the study that was being done with Alexis Paul MacDonald. That had been done previously -- when was that -- that was September-October of '81, I guess it was, leading up to the results of that in about March of '82.

Q. Had you had in particular discussions with him about anabolic steroid use by throwing athletes?

A. Not -- not specifically I don't think. I mean we had a number of conversations about those kinds of things over the time period, but not with anything -- not leading to any one individual or anything.

Q. Well, would you agree with me, sir, that by September of 1982, the state of knowledge or suspicion about anabolic steroid use by throwers would be of such a level that if the discussion arose about a possible difficulty with a throwing athlete that it might well be, in the circumstances which you have described, it might well be construed as a euphemism for an anabolic steroid problem and a testing problem?

A. That presumes that there was no other history of other things. In the case of Bishop in 1982, which is where I think you are leading to on this, Bishop had had a recurring elbow problem for some years.

So, it was not outside, you know, disbelief that he had, you know, a recurring problem that was hurt and he didn't want to re-injure it just before a very important meet for us, which was the Commonwealth Games, which was the premier event in our calendar that year.

Q. I take it, sir, that the Eight Nations meet was a tested meet, a drug-tested meet?

A. I don't recall that quite frankly right now.

MR. PRATT: All right. Thank you, those are my questions.

THE COMMISSIONER: Any other questions. Mr. Armstrong?

MR. ARMSTRONG: No, I have no questions.

THE COMMISSIONER: Thank you very much, Mr. Fletcher.

THE WITNESS: Thank you. We will take a short break now.

--- Short recess.

--- Upon resuming.

THE COMMISSIONER: I regret the delay; we have had some scheduling problems, as counsel know, so we will try to straighten that out. Mr. Armstrong.

MR. ARMSTRONG: Yes, thank you, Mr. Commissioner. The next witness is Mr. Wilf Wedmann.

THE COMMISSIONER: Mr. Wedmann.

WILFRED WEDMANN: Sworn.

--- EXAMINATION BY MR. ARMSTRONG:

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Thank you, Mr. Commissioner. May I pause for a moment to ask that this brief of documents, all of which relates to Mr. Wedmann's evidence, be marked as the next Exhibit. There is only this one copy. So, if I could have the Registrar mark it now and then hand it up to you, sir.

THE COMMISSIONER: 271.

THE REGISTRAR: 271, sir.

THE COMMISSIONER: You have got four more to go, Mr. Armstrong.

MR. ARMSTRONG: All right. The count down.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG: The next one will be 271A.

THE COMMISSIONER: Touche.

--- EXHIBIT NO. 271: Brief of documents relating to Mr. W. Wedmann

MR. ARMSTRONG:

Q. All right. Mr. Wedmann, in Exhibit now 271, perhaps do you have a copy of that Exhibit, Mr. Freedman, for your client?

MR. FREEDMAN: He has it with him.

THE WITNESS: No.

THE COMMISSIONER: Mr. Freedman.

MR. FREEDMAN: Try to keep the documents from my own client.

THE WITNESS: Thank you.

MR. ARMSTRONG:

Q. If we could take a moment as with other witnesses to review your CV. First of all, I note that you attended Simon Fraser University graduating with a Bachelor of Arts Degree in 1972?

A. Yes.

Q. And then you were awarded a Rhodes scholarship and attended Oxford University between 1972 and 1974.

THE COMMISSIONER: What school did you go to over there?

THE WITNESS: Merton.

THE COMMISSIONER: Merton.

MR. ARMSTRONG:

Q. And from Oxford you received your Master of Arts Degree in Politics, Philosophy, and Economics, coming back to Canada doing more graduate work at the University of British, post-graduate study in history. And then in 1977 - '78 you took a teacher training program at the University of British Columbia; is

that correct?

A. That's correct.

Q. And then looking at your personal athletics background, it appears at the bottom of page 2, you were you high jumper, and it indicates that you were the Canadian high jump champion and record holder between 1967 and 1970; is that correct?

A. Yes, it is.

Q. And you competed on Canadian national teams in 1969, the Pan Pacific Games; 1967 and 1971, the Pan-American Games; and I overlooked I see, I apologize, a member of the Canadian Olympic team for the high jump in 1968 in Mexico City?

A. That's correct.

Q. And then --

THE COMMISSIONER: How does the change of attitude effect high jumping, Mr. Wedmann?

THE WITNESS: It makes it easier.

MR. ARMSTRONG:

Q. All right. Did it make it easier for you?

A. No.

Q. All right.

A. I didn't quite understand how to take

advantage of it.

Q. All right. Then, Mr. Wedmann, you became a director of the Canadian Track and Field Association in 1983 to 1985; an A Director of the Canadian Olympic Association 1983 to 1985. And refresh our memory, if you will, again, as to what is the A Category of Director of the Canadian Olympic Association?

A. That is the appointment by the national sport federations.

Q. Were you appointed by the CTFA?

A. I was.

Q. Then since 1989 you have been a B member on the Board -- or a B member of the Canadian Olympic Association. And what, again, is that category?

A. There is 100 individuals, people interested in the Canadian Olympic movement that has been selected.

Q. All right. And then as far as your business and professional experience is concerned, it starts at page 2, reading from the bottom up, you held teaching assistant and instructor positions at the University of British Columbia and in New Westminster, British Columbia. Then you appear to have undertaken a number of administrative jobs, 1978 to 1980, in the Pacific National Exhibition Sports and Leisure Show.

In May 1979 to November '82, you were technical coordinator in the planning, production and province-wide implementation of -- and it says the program. And I am sorry --

A. The Premier's Sport Awards Program.

Q. I see. The program that's listed above.

THE COMMISSIONER: Above, right.

THE WITNESS: Yes.

MR. ARMSTRONG:

Q. And then there is a further reference December '82 to June '85 your involvement in the Premier's --

THE COMMISSIONER: Tell me about that for a moment. What is the Premier's Sports Award program. I notice you had a large representation here?

THE WITNESS: Well, it was -- you may recall Harry Jerome.

THE COMMISSIONER: Yes, indeed.

THE WITNESS: Who developed the contract with the government of the British Columbia to produce a program that would help young children to develop their basic skills, basic sports skills so that in the future they had the opportunity to choose themselves how active

they wanted to be in adult life.

THE COMMISSIONER: Right.

THE WITNESS: And Mr. Jerome and I worked together to produce this program. It involves nine instructor manuals for school teachers and community workers who may not have the broadest background. They are able, therefore, the very next day to get on with the job of teaching and coaching young children to develop their skills. As well as an awards incentive program for the children and other resource materials for the schools and the communities.

THE COMMISSIONER: It's a province-wide base, is it?

THE WITNESS: That's right. We began fundamentally delivering it through the school systems since there was a very strong delivery system.

THE COMMISSIONER: Right.

THE WITNESS: And we have now moved it into the community as a secondary approach.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

Q. Then in 1985 you joined the Canadian Track and Field Association as a full time staff member occupying the position of General Manager between July '85

and April 1986?

A. That is correct.

Q. And you continued on in May '86 as the President of that organization. Was that a change in the title?

A. It was a change in the title, but it really was a function or outgrowth of the entire reorganization of the association itself.

Q. I see. And you occupied the position of President responsible for the overall management and supervision of the CTFA national track program from May 1986 to April 1988?

A. It was -- officially it was until June 30, but basically from the -- I handed in my resignation March 1988 and then took holidays and completed a few tasks for the Association through to June 1988.

Q. And then in June of 1988 you assumed the position of President of the Canadian Sport and Fitness Administration Center where we understand in Ottawa is housed the Administration Sports Services for some 60-odd or 80-odd, I guess, national sport and fitness organizations?

A. I am not sure they want to be called odd, but, yes, indeed, at least 65 resident associations and 20 non-resident associations that are recognized as

national sport or fitness associations by Fitness and Amateur Sport.

THE COMMISSIONER: What did you mean by a non-resident sport organization?

THE WITNESS: There are a number of sports that are too small and have not been given residency status by Fitness and Amateur Sport.

THE COMMISSIONER: I see.

THE WITNESS: But nevertheless are eligible to use a number of the services.

THE COMMISSIONER: All right. Thank you.

MR. ARMSTRONG:

Q. Now, although we have heard of your organization in the first week of the public hearings of this Inquiry, we have not heard directly from anyone associated with your organization. Could you just take a moment and tell us in general terms what are the responsibilities of the Canadian Sport and Fitness Administration Center?

A. We were essentially established as an outgrowth of the 1969 Sport Task Force to supply services and to serve as a focal point for the national sport and fitness community. And essentially it allowed the administration of the sport to move into a more

professional realm. And, therefore, we supply space, secretarial assistance, audio visual assistance, computer programming, accounting, janitorial service as well, the whole gambit of administrative support services as well as to serve as a focal point. I think the 1969 Task Force when they went looking for the Canadian sport community had difficulty finding it because it was spread out across the country in the houses of volunteers.

And as a consequence, now when they wish to interact, they can go to that in Place D'Artate (phon) MacKenzie in Gloucester and very quickly get in touch with that national sport and fitness community.

Our job is basically to facilitate the work of the national sport and fitness associations through the administrative services we offer.

Q. What is the size of your staff?

A. At the present time it is 165.

Q. All right. Then turning to your responsibilities as the manager or general manager of the Canadian Track and Field Association, subsequently the President of the Canadian Track and Field Association between July of '85 and June of '88, did you from time to time in your position become involved in the anti-doping issue?

A. Yes, I did.

Q. And like others in the sport associated in the sport at every level, did you become aware in that period of time about -- become aware of rumors, if I can put it that way, concerning the use of performance enhancing substances and particularly steroids?

A. From time to time, yes.

Q. All right.

A. And I think the question at the beginning, did I become aware of the concern or aware of banned substance usage, yes.

Q. All right. During the period of time, we are going to get to some specific instances of matters that came to your attention and how you dealt with them, but before going to particular instances, did you come to the same conclusion that it appears that the majority of people in the sport came to that there was a problem of steroid abuse among certainly the throwers and the sprinters?

A. I think we -- I didn't think of it in terms of the specific events. I thought of it in terms of, yes, we have a concern about the use of banned substances. And to that end, we tried to strengthen our programs, yes.

Q. All right. And let me ask you this, because we are going to get into the specific cases right

away, but before we get into the specific cases, what was your position insofar as information concerning particular athletes or particular groups of athletes or particular coaches, and the use of banned substances?

When such information would come to your attention, either through rank rumour or otherwise, did you have a particular view as to how that information should be addressed?

A. Well information came to me, I guess, in a couple of different ways. One is in a much more formal way or by interaction with individuals who make specific allegations or statements, and from time to time, one would hear a rumor floating around.

I think my position on rumors is that I don't put much stock in them, having myself been involved in some of those rumors. Let me give you two examples to characterize my concern about rumors.

One of them is an athlete that I coached for a good number of years who said to me at dinner last year, "You know, they caught six people when they caught Gray, but you only went after three." And I said, "My God, you know me. I've worked with you now for six, seven years. You know how I approach things. That wouldn't be true." She said, "Well, it's true. Everybody knows about it." It was not true.

Another rumor that I was exposed to was as a result of a call from an executive director of a provincial association. He said, "Were you in this city? I've got four or five directors who swear that they saw you in the city. You were at the university negotiating a high performance center." Of course, that was not true. I was not in the city, and it's not my job to negotiate high performance centers, but that was the story that was

out there, by very reliable people.

I guess my concern is our sport is very much full of rumors based upon perhaps some thread of truth but also often not, as these two cases exhibit. So I am concerned about it.

It was one of those things that also is a kind of corporate culture that we were working on. Trying to reshape the corporate culture to CTFA is one of those areas that we wanted to reduce the operation on rumors and work on a straight, open, on-the-table approach. So in that sense, I don't put much stock in rumors, but I do put stock in people who are willing to come forward and stand by their word, yes.

Q. All right. Now, apparently in December of 1986, there was a newspaper article that appeared in the Vancouver Sun --

THE COMMISSIONER: The Province.

MR. ARMSTRONG:

Q. -- the Province, rather, that set out certain allegations of three individuals concerning the use of steroids?

A. That is correct.

Q. That came to your attention?

A. Yes, it did.

Q. And as a result of that newspaper article coming to your attention, you apparently wrote some letters?

A. Initially I had a staff member call the individuals, and we then followed it up with a number of letters, which I believe you have in the exhibit.

Q. All right. Now looking at Exhibit 271 at tab 2, first of all, you address a letter dated the 10th of December, 1986, to Dr. Coleman where is says:

"You are quoted in the Vancouver Province of 05 December 1986 as stating:

'I'd be surprised if they (sprinters) weren't using steroids'. Because of the serious nature of such a statement..." --

THE COMMISSIONER: I'm sorry. I haven't read the article. He had "sprinters" in brackets. Had he named certain people in the article? Were they named?

THE WITNESS: I believe I tried to quote that as I saw it in the newspaper, so I believe it was probably in the newspapers in that fashion.

THE COMMISSIONER: They have here in brackets "sprinters". Go ahead. I didn't know whether they were named or not. Go ahead, Mr. Armstrong.

MR. ARMSTRONG: Okay.

THE COMMISSIONER: I wasn't asking for the

names. I just wanted to know whether the names were given.

THE WITNESS: No.

MR. ARMSTRONG:

Q. "If you were quoted accurately, would you please let me know the basis upon which you made the statement. You obviously can appreciate the significance of making such a statement publicly, and we would presume that, as a responsible individual, you must have a sound ground upon which to make an allegation. We would therefore appreciate receiving the basis of the allegation and certainly any information you have about the use of doping substances by Canadian track and field athletes.

Because of the serious allegations that have been publicly made in the Province article, I would ask for your assistance in responding as quickly as possible to this request for the above information. I look forward to your response."

Now did you receive any response from Dr. Coleman?

A. No, I did not or we did not.

Q. You say you had a staff member contact Dr. Coleman. What information came back to you from that staff member?

A. I'm not sure whether in fact we had contacted him or were able to get through to him. I know we got through to the other two athletes, but I'm not clear in my mind whether we did in fact get through to him, but we received no further information from Dr. Coleman.

Q. So was that the end of your dealing with that allegation of Dr. Coleman's, then, when there was no response?

A. He was -- I think it's important to note that when these things happen the way -- from my vantage point, the workload I have, it's a matter of reacting to something that we get and trying to pursue it, but it's not something that then fades away when we don't have more of a reaction.

THE COMMISSIONER: I'm following the next page. I guess it was Atlee Mahorn and Mr. Dwyer that were quoted, were they?

THE WITNESS: That's true. Those two other athletes that were quoted in the article.

THE COMMISSIONER: Go ahead. I'm sorry.

THE WITNESS: So basically what I'm trying

to explain is that we reacted, and then when received nothing further, I let it fall by the wayside feeling it wasn't worth to pursue if the individual is not prepared to come back to us.

MR. ARMSTRONG:

Q. Then dealing with the letter to Atlee Mahorn who, as you've just indicated to the Commissioner, was quoted in the same article, you sent a letter to him. It's in tab 3 of Exhibit 2.

THE COMMISSIONER: It was Mr. Irons that was making the request, was it?

THE WITNESS: That's correct.

MR. ARMSTRONG:

Q. "This letter is to formally follow-up on the requests made to you by telephone by Mr. Kenneth Irons, the CTFA Communications Director.

You are quoted in the Vancouver Province...", etc.

Then quote is:

"'I can only speculate, and I'm not 100 percent sure, but I'm 90 percent sure that a lot of athletes are on it (steroids)...

There is a common belief in a lot of sprinters that if they weren't into drugs they wouldn't be as good'.

You are also alleged to have wondered if 'the right people who would be tested will be tested'.

And then you go on to say:

"Would you please let me know in writing whether you did in fact make these statements.

Secondly, Atlee, if you did in fact make these quoted statements, are you prepared to formally make these allegations in writing to the CTFA with supporting evidence for these allegations? If so please direct such formal written allegations to me with a description of the evidence you can offer to support the allegations.

If you are prepared to make such formal allegations with supporting evidence, CTFA Rule 181 will be applied in the Executive of the Branch of the member(s) against whom the allegations are made, will be asked to conduct an investigation into such allegations.

In light of the serious nature of these quoted statements, I would ask you to reply as quickly as possible. I look forward to your response."

THE COMMISSIONER: Did you ever consider calling these people in privately and talking to them? This is a rather intimidating letter, if I may say so.

THE WITNESS: Well, it wasn't certainly intended to be intimidating. It was intended, however, to say that if you are prepared to come forward, we are prepared to move on it. During the telephone call, he indicated that he did not mean Canadian athletes. He was talking about athletes on a world scale, and that was the gist of his orientation.

THE COMMISSIONER: What he told Mr. Irons, you mean?

THE WITNESS: Yes, that's my understanding. The reason for pursuing this, I think it's important -- one of my viewpoints or sort of policy orientations on this was we're a very tight, financially-limited organization as well as in staffing and so on, so that I had a tendency to want to have something that we were going to have, something at base that we were going to go forward with some assurance that it was going to lead somewhere before where expend resources.

THE COMMISSIONER: But you didn't consider it a more effective way would be to call these people and meet with them privately and discuss with them in that way?

THE WITNESS: Well, from my vantage point, if they were prepared to come forward after being requested to do so, I would certainly be well prepared to follow up on it; but at this stage especially --

THE COMMISSIONER: But they had already given a statement to the press. It might have been more helpful for you to get information if you called them in privately instead of saying, "Put it in writing or keep your mouth shut"?

THE WITNESS: Well sir, with all respect, as I was trying to explain, we do -- we have very tight financial situations, and the financial conditions under which we operate are a very serious, important part of this. So from my vantage point, it was to try to see whether we had something serious and the individual was serious, and if that was the case, then we certainly would because it would be called in, and we'd arrange the investigative procedures, and away we would go.

THE COMMISSIONER: All right.

THE WITNESS: And it was based upon a kind of fiscal restraint that we were operating under and

trying to work from that vantage point.

THE COMMISSIONER: Well, you are going on to Mr. Dwyer's letter next, are you, Mr. Armstrong?

MR. ARMSTRONG: Well, I was going to stay with Atlee Mahorn for a moment.

THE COMMISSIONER: Yes.

MR. ARMSTRONG:

Q. I notice he's addressed in December '86 in Oakland, California. Was he at university down there?

A. That's my understanding, yes.

Q. Where is he from?

A. I believe he's from the Toronto area.

THE COMMISSIONER: He was a carded athlete in those days?

THE WITNESS: Yes, indeed.

MR. ARMSTRONG:

Q. Presumably he would have been in Toronto at Christmastime. Did it occur to you that, well, we can have somebody from the CTFA interview him at Christmastime when he's in Toronto?

A. That didn't occur to me. As I said, we took this approach because we felt if was the best we could do and to make sure that we really did have

something before we get into an expenditure of funds.

THE COMMISSIONER: Did you get any response from Mr. Mahorn?

THE WITNESS: No, only by a telephone conversation that said he was referring to athletes on a world scale rather than simply in Toronto.

THE COMMISSIONER: Well, when he says he wondered whether "'the right people would be tested...", wasn't he talking about Canadians?

THE WITNESS: Well, the article itself was stimulated by the fact that the media or the Vancouver Province was talking about our intent to implement out-of-competition testing.

THE COMMISSIONER: In Canada?

THE WITNESS: In Canada, yes.

THE COMMISSIONER: So he must have been talking about Canada?

THE WITNESS: In respect to would the right people would be tested, that seems to be the case.

THE COMMISSIONER: By the "right people", he means those on steroids, are they going to be tested. That must be Canadians.

THE WITNESS: That's what he was referring to, I presume --

THE COMMISSIONER: All right.

THE WITNESS: -- in that section.

THE COMMISSIONER: Go ahead, Mr. Armstrong.

MR. ARMSTRONG:

Q. And even assuming that he was restricting his comments or part of his comments to people on the world level, you're a member of the International Amateur Athletics Federation?

A. Yes.

Q. You would be concerned, I assume, as a member of that organization and bearing in mind that your carded athletes compete internationally, to have whatever he had on the international scene, wouldn't you?

A. I think we would, if he's prepared to name names and put forward something that we can follow up on.

Q. Well, just following up on the thread of or the thrust of the Commissioner's question, would you not think that a letter like this might just be a little threatening to an athlete who says, "Well, gee, now I've got to put it down in sort of pen and paper and write it into the office of the president of the CTFA." Do you think that's the likely way that you're really going to generate any information?

A. Well, from my vantage point, if the

athlete is sincere, yes. I mean, if you're sincere about your intent here to make a comment or an allegation, then --

THE COMMISSIONER: You're looking for somebody who wants to help you, or at least you're looking for somebody who might help, and frequently they prefer to be helpful if they are kept more anonymous. There is nothing wrong with that, but I'd be very surprised if you'd get a response to this type of letter. I'm not suggesting or challenging your intention, but it strikes me as a quite ineffective way if you are really interested in getting information.

MR. FREEDMAN: Mr. Commissioner, I might just point out that the letter was sent to Mr. Mahorn privately. It's not a letter that was made --

THE COMMISSIONER: He wants a response in letter. He wants a letter in writing setting forth the facts, names and everything else in writing to the CTFA. That would be a public document.

MR. FREEDMAN: Well, the fellow has already gone to the press. He's gone public that he's got some suspicions.

THE COMMISSIONER: Well, thank you, Mr. Freedman. Carry on, Mr. Armstrong.

MR. ARMSTRONG:

Q. Then and there is a letter in tab 4 of Exhibit 271 addressed to Mr. Dwyer at Simon Fraser University similarly saying it's a follow-up to a telephone call with Mr. Irons, and then you quote what his allegation was as appeared in the same article in the Vancouver Province, and I quote:

> "'It's (drug use) reached epidemic proportions... That (widespread anabolic steroid use) was the big reason I decided to leave Toronto. I've seen people make massive gains in weight and strength in short periods of time and I've seen women go through very sudden changes.
>
> I had one well-known Canadian woman sprinter tell me, 'I don't want to be the best I can be, I want to be the best in the world.'
>
> 'Are they going to pull a name out of a hat on a television or what?'
>
> Would you please let me know in writing whether you did in fact make these statements as quoted.

I'm sorry. I should have said I ended the reading of the quotation with "'Are they going to pull a name out of a hat on television or what?'" That's the end of the quote

of the allegation. Then you ask him whether he's prepared to put it in writing, and the rest of the letter is exactly the same as the letter to Mr. Mahorn.

THE COMMISSIONER: Are you looking for formal written allegations with a description of the evidence you can offer to support the allegations? That's a pretty heavy request to make from somebody you were trying to get help from. These people were members of the Canadian team, weren't they, Dwyer and Mahorn?

THE WITNESS: Mahorn, yes.

THE COMMISSIONER: They are two of our leading athletes. Go ahead, Mr. Armstrong.

MR. ARMSTRONG:

Q. All right, now, what did Mr. Dwyer tell Mr. Irons when he called?

A. My initial understanding is that he said he was not talking about steroids but he was talking about social drugs, and then of course he sent a written statement that was somewhat different in nature.

THE COMMISSIONER: And then Dwyer writes back, does he?

MR. ARMSTRONG:

Q. Yes, he writes back a letter addressed

"To Whom it May Concern," and did the Canadian Track and Field Association get the original of this? Is "To Whom it May Concern" --

A. This is how it was addressed to us. I don't know if this was to ourselves specifically or he was addressing it to other people, but that's what we received.

Q. All right. Well, then, he says that he's enclosing a copy of his response to the article written in the Vancouver Province. He says he sent it to Cecil Smith asking him to publish it in the next issue of Athletics, and he says:

> "I don't know where you got your idea that I had made any reference to anabolic steroids, but I can assure you I didn't... Besides, steroids are now, for the most part, passe, as 'monkey serum' (HGH), metabolic activators, B-12 shots, etc, are the new craze these days. Also, if you really are so interested in what's going on, I would suggest you check into the 'defensive' individuals. They might have quite a bit to hide. Maybe the findings will prove to be quite interesting...if anything is actually found."

And then --

THE COMMISSIONER: And then he says, "How 'random' will these random testings be?!?"

THE WITNESS: That he refers back once again to the newspaper article.

THE COMMISSIONER: All right, thank you.

MR. ARMSTRONG:

Q. And then he appends this long, single-spaced response to the Vancouver Sun, and in essence really sets out in writing, without in fact naming names, however, that there is a serious drug problem in track and field; is that not so?

A. That is his assertion, yes.

Q. And, for example, in the fourth paragraph he says:

"Now, before I go any further, let me say that these statements were, as far as I'm concerned, quite vague, and they were, in fact, intended to be so. As me for leaving Toronto because of drug use, that would be an extremely stupid reason as this will continue whether I'm there or not."

THE COMMISSIONER: Well, in the earlier paragraph, he does repeat what he said earlier, though?

MR. ARMSTRONG: Yes.

THE COMMISSIONER: That the steroids are of epidemic proportions.

MR. ARMSTRONG: "As for those idiots who do happen to believe this to be true, maybe they should get a concept on reality. Drugs is a fact of life, and as a result, it's a reality in sports; track and field is no exception. If this is not so, then ask yourself this... Why would CTFA even consider spending thousands of taxpayers' dollars to implement random testing..."

Then he says at the bottom:

"I stand by my statements more than before, not because I intend to be any kind of hero - or a martyr for that matter. The simple fact is that I made them, and if pressed, I will continue to make them, as, the last time I heard, a person is entitled to their opinion and these are, in fact, my opinions. I ask you why is it that someone like Daley Thompson or Edwin Moses can say on the air that there is a problem with drugs in the sport without suffering any personal attacks/threats. No-one in particular was

implicated, no names were called, yet a whole lot of people started going on the defence. In fact, no-one bothered to ensure what I actually said or if what I said was taken out of context."

And it goes on. I'm not going to read it, but he obviously didn't respond to you in the same terms that you invited him to respond, but he responded in writing and confirmed his obviously firmly-held conviction that the use of steroids had reached epidemic proportions, that the use of drugs was rampant in sports, and that track and field was no exception. Having received that from him, what if anything did you do about it?

THE COMMISSIONER: Wrote him again, I think.

THE WITNESS: I wrote him again basically because I asked him to follow up -- the question I asked was whether we have any specific allegations. I certainly appreciate the fact he has a viewpoint that drug use or banned substance use is at epidemic proportions. He didn't necessarily put anything there to substantiate that, but that was fine. My question was whether he had any direct allegations that we could follow up on with respect to the CTFA.

With respect to the use of banned

substances, certainly we in the CTFA had concerns, and so therefore we're certainly not in opposition to the viewpoint that we were ignoring the view that there was a concern that should be there. We may not have agreed that it was epidemic. In fact, I have not got an opinion on it, didn't have an opinion at that time, of how extensive banned substance usage is. Therefore, we wanted to get at whether there was anything specific that he had to give us, and if he were prepared to, we would follow up on it. And so I wrote him again, and I received no answer.

Q. All right. And your letter -- I'm sorry I overlooked it -- is at tab 6 in Exhibit 271. The 19th of January, you acknowledge the letter. You say it didn't answer the specific questions and would you please take a moment to address those questions specifically:

"1) Were you quoted correctly in the Province article...

2) Are you prepared to make formal allegations of doping against any individuals?"

Again, your position stated clearly was that you wanted a formal, written allegation of names, times, places, and as you said in one other of the letters, the supporting evidence?

A. If I could get that, yes, indeed.

Q. And --

A. Because the individuals had made statements to that effect, and they have made it publicly. I don't think it's outrageous to ask them to say please confirm this.

THE COMMISSIONER: Well Dwyer in his other statement indicated he was really very concerned about the other problem because it was affecting the whole sport and scandals are very destructive to sport.

THE WITNESS: Yes, and we don't disagree with that, sir.

THE COMMISSIONER: So perhaps we're talking with the benefit of hindsight, but it struck me in reading these letters that if the man has expressed himself in that language, he might be prepared to come privately to you and your group and say "This is what I know," and give you a followup way of doing it; but to just write him back and forth these rather sterile letters may not have been the most effective way of getting information, but that's a point of view, isn't it?

THE WITNESS: Well, I mean it is a point of view, but it's also affected -- I'd like not lose track of the fact that it's affected by the situations within which we work, sir.

THE COMMISSIONER: Well, it may not be a

good analogy, but if police worked that way, we wouldn't get very much evidence, would we?

THE WITNESS: No, but certainly on the other hand, I'd suggest to you that we're not necessarily the same as qualified policemen. Most of us in the association have been hired to work on the problematic side, and if at some later time you'd like some suggestions with respect to that, I'd be delighted to give that to you.

THE COMMISSIONER: But in any event, it's quite apparent that this approach back in '86 was not being very effective in getting information?

THE WITNESS: Yes, I'm not sure whether there was much effectiveness -- whether we were going to get much information, but we did pursue --

THE COMMISSIONER: Well, we know now that there is much more than rumor. There was substance we didn't know about at the time but know now there was.

THE WITNESS: Yes.

THE COMMISSIONER: These things that Dwyer was saying were obviously true?

THE WITNESS: Well, I'm not sure I entirely agree with that. I'm not sure statements on epidemic -- that's another kind of statement, sir.

THE COMMISSIONER: Well, that's been said

by other people to.

THE WITNESS: Yes.

THE COMMISSIONER: But in any event, I notice that you were using this approach, but by '86, it wasn't providing the CTFA with any information?

THE WITNESS: No, sir, because the adopted approach that we had, generally speaking, was the one that we were pursuing in terms of competition testing, and then we were trying to get the out-of-competition testing program in.

THE COMMISSIONER: No, I mean this route of inquiring of people who are making these public statements. By writing them, you weren't getting any response?

THE WITNESS: No, we did not get much.

THE COMMISSIONER: All right. I understand.

MR. ARMSTRONG:

Q. Then, Mr. Wedmann, you had another occasion a couple of years later, or perhaps a year and a half later in April of 1988, when an article appeared in a Toronto newspaper and referred to Dr. Stanish and referred to the fact that he was widely quoted that drug abuse is an epidemic problem among athletes as young as 14, and the

reference in this particular article at tab 7 at the bottom of the first column says:

"Dr. Stanish, in an interview with the Canadian Press, singled out track and field athletes and weightlifters as prominent offenders prompting an irritated response from the Canadian Track and Field Association."

Dr. Stanish of course was at that time the chief medical officer of the Canadian Olympic Association, and I assume because of the nature of the allegations and the person who was making them, that led you to write the letter of April 7th, 1988, which is at tab 8?

A. Yes.

Q. And your letter to him reads:

"Dear Dr. Stanish, I was extremely surprised and disappointed to read in the 06 April 1988 edition of the Globe and Mail statements reported to have been made by you suggesting the 'rampant use of anabolic steroids.' Please find enclosed a copy of the report. I would be very interested to know if the statements represent accurately what you said.

If they do, I'm surprised by your

statements because a responsible individual would have first informed the national sport governing bodies of any evidence that he or she may possess relative their athletes' use of banned substances. I am therefore formally asking you to present to the Canadian Track and Field Association any evidence that you may have of any Canadian track and field members using or counselling the use of banned substances. I assure you that if you furnish us with such evidence, the CTFA rules for investigation of such allegations of doping will immediately be implemented. Should you not be able to supply us with such evidence, I would ask you to retract publicly any statements you made relative to Canadian track and field athletes and the use of banned substances."

The rest of the letter is there for others to read.

You then at tab 9 issue a press release in response to the newspaper article and Dr. Stanish's statements, that I won't take the time to read, and then you did get a response from Dr. Stanish in a letter dated April 15th; is that correct?

A. Yes, it is.

Q. And in that letter, he said:

"I received your letter dictated April 7th, 1988 on April 14th.

The statements cited in the Globe and Mail April 6th, 1988 misrepresented my feelings on the use of ergogenic agents.

My clinical experience over the past thirteen years has revealed that alleged performance enhancing agents are utilized in many countries and by a variety of performers. Furthermore, we are seeing an ever-increasing number of athletes requesting supervision of their medical status while on these agents.

Needless to say, these athletes have and will remain protected by my ethic of confidentiality.

The theme of my interview, initially conducted by an Ottawa newspaper, was to offer opinion on my experiences as a university academic on a health problem which was manifesting exceptional prevalence in a distinct population, i.e. performance enhancing drugs in athletes worldwide.

During the interview, I was asked the direct

question: 'Have you seen the use of anabolic steroids in track and field athletes?' The answer to this query was in the positive. I was then asked the follow-up question as to 'which athlete'? I responded by saying that athletes that require muscle bulk for power.

The insinuation that your Canadian elite athletes in track and field were singled out or broadly stroked as being culpable in these circumstances is inaccurate.

The thrust of the article was spectacular, inappropriate and completely contrary to the atmosphere of honesty in which the original facts were delivered.

My past experiences with the press have been healthy as a consequence of frank and honest debate. With this disappointment, I have been taught a lesson."

Now although he didn't name names and although he said that perhaps a group seemed to be singled out, I take it that you read this at that time as confirmation, at least, from the chief medical officer of the Canadian Olympic Association that the use of ergogenic agents in sports, as he put it, was on the increase and did represent a serious

problem?

A. Yes, indeed, and that it was also the CTFA position.

MR. ARMSTRONG: All right. Then, Mr. Commissioner, I am going to go into --

THE COMMISSIONER: Yes, we're at Mr. Lund, so it will be a new matter?

MR. ARMSTRONG: Yes.

THE COMMISSIONER: Tomorrow morning, 10 o'clock.

MR. ARMSTRONG: 10 o'clock, or do you want to try it a little earlier, or is 10 o'clock early enough for everybody?

THE COMMISSIONER: Would 9:30 be satisfactory for everybody?

MR. ARMSTRONG: I was only thinking that there are a number of people here from out of town, and on a Friday, it may be helpful for them to --

THE COMMISSIONER: This will be the last witness for this week, will it?

MR. ARMSTRONG: Yes, I think it will, because I discussed it with Mr. Fournier, Mr. Bourque and Mr. Freedman and, Mr. Fournier and Mr. Ouellette in particular have been quite cooperative in waiting patiently, and I think that it's unlikely that we would be

able to start Mr. Ouellette and finish him tomorrow.

THE COMMISSIONER: You've consulted Mr. Fournier, have you, about this?

MR. ARMSTRONG: I have, and he's been patient and helpful.

THE COMMISSIONER: All right. Tomorrow morning at 9:30.

MR. ARMSTRONG: Thank you.

--- Whereupon the proceedings adjourned until Friday, August 25, 1989 at 9:30 a.m.